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THE FOUNDATION, MAINTENANCE AND
MANAGEMENT OF A FREE GRAMMAR SCHOOL
IN SOUTH LANCASHIRE, 1520-1842

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CONTAINS

PULLOUTS

ABSTRACT

This thesis is a study of educational administration as exemplified by the foundation and maintenance of a free grammar school in Warrington, by Sir Thomas Boteler, 15th Lord of the Manor of Warrington, by his will (1520), its foundation (1526) and its governance up to 1842, *ie* to the onset of state intervention in the provision of education in the 19th century. The foundation's regulations established a basic administrative structure of a patron, a body of feoffees, and a schoolmaster.

By the end of the 16th century, as a result of despoliation, the School was brought to a "ruinous" state, so that a decree from the Duchy Court of Lancaster (1607-10) was required to ensure its revival.

In the 17th century, the feoffees failed to carry out the Duchy Court's injunctions concerning the management of the School's finances which were thenceforward assumed by the masters. This practice resulted in constant tension between masters and feoffees which continued until 1807 when the School's usefulness had so declined that some Warrington citizens, concerned that the foundation's terms were no longer being complied with, gave information from which a bill was filed in Chancery to rectify the maladministration of the Charity. This resulted in a judgement in 1814 which, in 1820, led to a series of rules which were an updating of the foundation's provisions, their most important reform being a revival of the responsibilities of the feoffees/trustees and an insistence on their accountability and documentation. The tension continued between the trustees and the schoolmaster, resulting in the resignation of the incumbent.

Overall, the work is a study of the nature and origins of the problems encountered in making and maintaining schools and of the tensions arising from interested parties and wielders of influence who operate therein.

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E.P.

ABBREVIATIONS

Beamont, W. - <i>Annals</i>	Beamont, W. - <i>Annals of the Lords of Warrington</i>
Beamont, W. - <i>Masters</i>	<i>Masters of the Warrington Grammar School</i> - Warrington Guardian.
B.J.Ed.St.	British Journal of Educational Studies.
Cal.Duch.Lancs.	Calendar of the Duchy Court of Lancaster.
CRO	Cheshire Record Office.
DDKe	Kenyon Muniments in L.R.O.
DDLi	Lilford Papers in L.R.O.
D.N.B.	Dictionary of National Biography.
J.E.A.H.	Journal of Educational Administration and History.
L.R.O.	Lancashire Record Office.
O.E.D.	Oxford English Dictionary.
O.H.S.	Oxford History Society.
P.R.O.	Public Record Office.
S.I.C.	Schools Inquiry Commission.
T.H.S.L.C.	Transactions of the Historic Society of Lancashire and Cheshire.
V.C.H.	Victoria County History.
W.R.L.	Warrington Reference Library.

Chapter I

Introduction

CHAPTER I

INTRODUCTION

The Title of the Thesis

The terms of the title establish the objects and parameters of the investigation, which is an exposition and analysis of the foundation, orders and ordinances of a free grammar school in Warrington in 1526 (then in Lancashire), of the maintenance and management of that school, and of the modifications to that foundation during the next three centuries, *ie* until 1842. In other words, as an analysis of the processes of the provision of public education, it is a study of the administration of education before the main entry of the state in providing public education in the 19th century. The core of the act of the foundation of the school at Warrington was, as was usual, a deed of feoffment, commonly known as the Foundation Deed, in which were expressed the hopes and intentions of the founder, the appointment of executors to carry out his wishes, the appointment of feoffees who would safeguard the resources of the charity thus established, and the ordering of decrees and rules by which the school was to be organised and run. This document was to dominate the period under investigation, so that, when alterations to its requirements were called for, the operative authorities were at pains to observe, as far as was possible, the original wishes and intentions of the Founder.

Closely connected with the Foundation Deed were the Founder's Will, by which the means of creating the school were provided, various codicils to the Foundation Deed and Will, and the

refoundations and alterations authorised by the Duchy Court of Lancaster, the High Court of Chancery, and an Act of Parliament.

The term "maintenance" is here taken to indicate the means, usually monetary, by which the school was sustained and the sources from which those means were obtained. Of particular importance were the methods by which these resources were invested and administered. At a more material level, the term includes the school building and the foundation's real estate.

The term "management" as applied to the school refers to the rules and regulations prescribed by the Foundation Deed and subsequently lawfully amended by the appropriate authority for the daily life of the school, its work, its hours, its holidays, its ultimate control.

It will be observed, in the course of the investigation, that these three terms, "foundation", "maintenance" and "management" are not mutually exclusive but at times overlap.

The time-span of the investigation, 1520-1842, begins with the making of the will of the Founder in pre-Reformation times and ends, some three hundred years later, with the resignation of a headmaster, prior to the main onset of state intervention in education. In addition, in 1842, Warrington was still largely dependent on its agricultural market and small-scale industries (see Map II). The problems accompanying a rapid growth in industrial activity and in population had not then arrived. Warrington was still very much a market town.

The Nature of the Investigation

The study is investigative rather than contemplative and philosophical, following an exploratory line of enquiry, testing in a simple microcosmic setting, the fundamental problems which present themselves in the provision of education in the more complicated, complex structure of modern society. These problems arise, it will be argued, from a conflict of interests between such social groups as those concerned with the internal management of the schools, *eg* headmaster and staff, and the community outside the schools, *eg* trustees/governors, ratepayers and taxpayers, religious parties and political parties, or between any two or more of these groups. This conflict of interest may be more localised, as between the professionals and students, between the professionals and parents, giving rise to differences of opinion on curriculum, on acceptable sanctions, on financial charges. This state of tension between society and its schools has been identified and diagnosed by a modern investigation in the following terms:

"In some respects schools are unique institutions which do not fit easily into the national or the local government structures. They are situated in the border zone between professional administrative and political authority and in their government there must be a constant tension between these."¹

Although this passage clearly has the modern situation in mind, it will be seen to apply to the period under review in this present study. Indeed, the use of the word "unique" is particularly applicable, since it is difficult to think of any other social institution, for example, a church, a political party, a trade union, which is subject to such "constant tension" from so many quarters as are schools, a tension which arises from many-sided conflict rather than from the usual bi-polarisation in other social groups.

Basically, this issue may be expressed in the form of the question, "To whom do schools belong?", *ie* who in the last analysis has the authority to exercise the final decision concerning the essential functions of schools in all their aspects, both personal and social?

It is important also to make clear that this present work is not a conventional study of the history of a particular school. It is, rather, a study of the forces which formed, maintained, sustained and governed that school and of their "constant tension".

The Method of the Investigation

This investigation is designed around documentary evidence in the form of legal documents, note-books, letters, account books, minutes books, broadsheets, ecclesiastical records, *et al*, interconnected by narrative, explanatory or analytic passages. The text is divided into sections which are presented in chronological order.

The Literature of the Subject

The literature of the history and development of Warrington in general and of the Free School of Warrington in particular is sparse. The main source of information on the history of Warrington is the work of William Beamont (1797-1889), solicitor, "the indefatigable local historian" (according to V.C.H.), and first mayor of the newly-formed borough of Warrington in 1847. Two of his works cover almost the span of this present study. "*Annals of the Lords of Warrington*" (1872) covers the period from the Norman Conquest to the end of the Boteler dynasty as lords of the manor of Warrington, and contains information about the Founder of the Free School. A subsequent volume, "*Annals of the Lords of Warrington and Bewsey*" (1873), extends the history of the town to the creation of the borough of Warrington.² These works are, in the main, unselective, with all available material being included. Beamont had access to the muniments of Lord Lilford, but, as these were uncalendared, checking his sources is difficult if not impossible. In more modern times, a survey of the history of the town and the surrounding district has been provided in *V.C.H. Lancs iii* which frequently draws on the work of Beamont.³ A survey, entitled "*The Archaeology of Warrington's Past*" (S. Grealey *et al*, 1976), has recorded the industrial development of the area down to modern times.⁴ A more specialised report, "*The Botelers and the Irelands*", produced under the aegis of the North-West Archaeological Trust, considered the development of the area under these two families.⁵ (This latter work has frequent references to the writings of Beamont.) A survey of the economic development of Warrington is provided in G.M.A. Proffitt's regional essay on the subject⁶. A study of the growth of the town, from the viewpoint of a town planner, appears in P. Croft's "*The Evolution of*

Warrington's Landscape".⁷ References to these works and to lesser works on the subject are made in the course of the text.

The first published review of the maintenance of the Free School of any substance was provided in the report of the Charity Commissioners in 1828. Although primarily concerned with the sources of the school's income, it provided a survey of the main historical developments of the charity.⁸ Earlier, Francis Gastrell, Bishop of Chester (1714-1725) included details of the school in his survey of the diocese and its parishes written in the 1720s.⁹ But, by far the most significant contribution to the history of the school and its foundation was a paper read to the Historic Society of Lancashire and Cheshire on 7 Feb 1856 by John Fitchett Marsh, a local solicitor, a former pupil at the Free School, and the first town-clerk of the newly-formed borough of Warrington, entitled, "*On the Foundation and History of Boteler's Free Grammar School at Warrington*".¹⁰ This work contains extracts from the Foundation Deed and a short history of the school based on the succession of its headmasters. Marsh had access to certain documents which it has not been possible to trace in this present investigation. He excluded any comment on the tenure of headship of the Rev. T. Vere Bayne (with whose resignation this study ends) on the grounds that he was one of Bayne's pupils. W. Beament produced a number of articles for the local press on the headmasters and alumni of the school, but, as they were addressed to a popular readership, they do not include his sources. They are, nevertheless, informative.¹¹ A short history of the school up to the end of the 19th c. appears in *V.C.H. Lancs ii*.¹² Brief references to the school and its foundation appear in other modern works and are referred to in the text, as also are references in other official documents.

The general background for the period under review is provided for in the works of the following authorities, to whom reference is

made in the course of the text: A.F. Leach, N. Orme, B. Simon, J. Simon, A.M. Stowe, R. O'Day, R.S. Tompson, W.A.L. Vincent, P.J. Wallis, various contributors to entries in *V.C.H.*¹³

The School at Warrington is not mentioned either in the Wase Collection¹⁴ or in N. Carlisle's list of schools in 1818¹⁵, although this latter work has been used extensively throughout the investigation.

Chapter II

The Foundation of the Free School of Warrington

THE FOUNDATION OF THE FREE SCHOOL OF WARRINGTON

Early Warrington and the Boteler Family

The school at Warrington was founded and provided for by the wishes and endowments of Sir Thomas Boteler, 15th Lord of the Manor of Warrington and a member of a dynasty which was to have control over Warrington and the surrounding district for almost 500 years (c.1100-1586 - see Plate I).¹

From earlier times, however, Warrington, because of its location, had been of importance, since it was the lowest place at which the River Mersey could be forded (*ie* crossed on foot) twice daily at low tide.² Of the importance of the river-crossing at Warrington, it has been said that the crossing there was "the only easy and uninterrupted route from the south ... and this fact has controlled not only the history of Warrington itself, but in certain instances has affected the whole of the country to the North."³ Thus, Warrington was, in Baines's phrase, "unquestionably one of the most ancient towns in the county of Lancaster"⁴, for there is further evidence of the activities of man, though not necessarily of social life, in Warrington and its surrounding area from pre-historic times. In addition to, and because of, its position on the river, this district lay on a line of communication which followed the valleys of the Mersey, Irwell and Calder rivers, and linked the relatively populous areas of North Wales and the Yorkshire Wolds. Map I illustrates the strategic importance of Warrington on the north/south route through south Lancashire.

Paganus de Vilars
1st Lord

Matthew de Vilars
2nd Lord

3rd Lord Beatrix

=

Richard Fitz Robert Pincerna
4th Lord

William le Boteler
5th Lord (1160-1233)

Almeric le Boteler
6th Lord (1216-1235)

William Fitz Almeric le Boteler
7th Lord (1231-1303/4)

(Henry, predeceased, d.1297)

William Fitz Henry Boteler
8th Lord (1275-1330)

William Fitz William Boteler
9th Lord (1309-1380)

Richard
died without
issue

John,
10th Lord (1328-1399)

William,
11th Lord (1373-1415)

John,
12th Lord (1402/3-1430)

John,
13th Lord (1429-1463)

William
14th Lord (1450-1471)

Thomas,
15th Lord (1461-1522)
[Founder of the Free School]

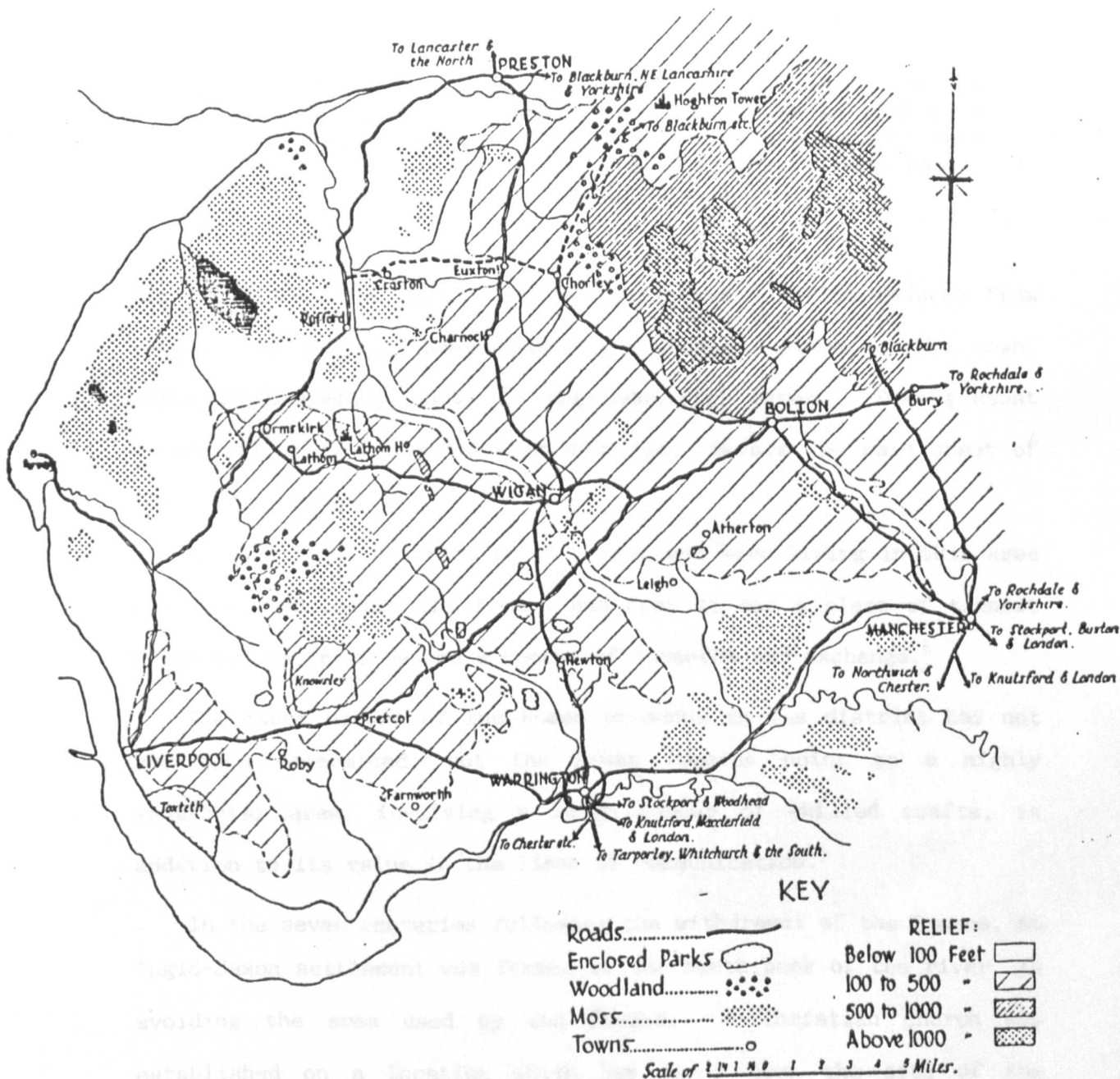
Thomas,
16th Lord (1494-1550)

Thomas,
17th Lord (1516-1579)

Edward,
18th Lord (1553-1586).

PLATE I

LORDS OF THE MANOR OF WARRINGTON, 1100-1586¹



MAP I

STRATEGIC LOCATION OF WARRINGTON³

It is, therefore, a mistake to think of Warrington solely as a product of the Industrial Revolution. The dramatic change in the appearance and lifestyle of the town came, according to a recent investigation, in the second half of the 19th century when Warrington

"was transformed from a town still largely dependent on its agricultural market and small scale industries in 1851 to a big industrial town In 1851 town and country were still fairly distinct; in 1891, the beginnings of what has been described as 'subtopia' could be seen."⁵

Map II, taken from Hall's map of Warrington in 1826, reduced from original in W.R.L., demonstrates the compact nature of the town, still predominantly rural in pre-industrial times. This present investigation is concerned with Warrington before the main onset of industrial change.

There is also evidence to show that men were living in this area for centuries before the Romans and that it was a place of transit which was later to become a centre of commerce and exchange.⁶

The exact nature of the Roman presence in the district has not yet been determined, but the Roman remains point to a highly industrial area, involving a large number of skilled crafts, in addition to its value in the lines of communication.⁷

In the seven centuries following the withdrawal of the Romans, an Anglo-Saxon settlement was formed on the north bank of the river, *ie* avoiding the area used by the Romans. A Christian church was established on a location which has since been the site of the principal church of Warrington (*see* Map II).⁸ At the time of the Norman Conquest, Warrington was the head of an Anglo-Saxon Hundred with the Mersey acting as a boundary between the hundreds lying between the Mersey and the Ribble on the one hand, and the hundreds of Cheshire⁹ on the other, covering the parishes of Warrington,

WARRINGTON.

This Plan of the TOWN
in the Year 1826
is by permission respectfully dedicated
to the Hon. the Lord of the MANOR.
By the most Obedient
W. J. Hall



- Legend:
- A - Motte Hill
 - B - Parish Church
 - C - Free School
 - D - Bag (Back) Lane
 - E - Bridge

MAP II
WARRINGTON IN 1826

Reduced copy of Hall's Map of Warrington, 1826 (WRL)

Prescot and Leigh and the township of Culcheth, with the small manors of Little Sankey, Orford and Howley attached. Subordinate to the head manor were 3⁴ smaller landowners. It has been estimated that in 1086 Warrington had a population of about 120.¹⁰

The settlement imposed on Warrington¹¹ as a result of the Norman conquest was to exercise a powerful influence on the area for the next five centuries and, thereafter, in a modified way, until the end of the first third of the 19th century. The baronetcy had originally been granted to the de Vilars family and had passed to the Boteler (or Butler) family (so-called in view of their office of butler to the Earl of Chester) by the marriage of Richard Pincerna to Beatrice, only child and heir to Matthew de Vilars, second Baron of Warrington (c.1176). The change of name of *Pincerna* to *Boteler* seems to have been made in the time of their son, William, 5th Lord of the Manor.¹² Although Richard Pincerna was already a man of some standing, by virtue of his office under the Earl of Chester, "it is clear that his marriage to the de Vilars heiress meant an increase in both wealth and prestige."¹³ Thus was begun a dynasty of which it has been said that, "during the five centuries following the Norman Conquest the history of the town of Warrington is the history of a family."¹⁴

Their original residence was on Mote Hill [Motte] (so-called because of its position of vantage, see Map II) near to the Parish Church and the early fording place of the river, of which the Botelers were the guardians. (By 1294 they had moved residence from Mote Hill to Bewsey, hence their additional title, Lords of Bewsey.¹⁵) They promoted Warrington as a trading centre, thereby gaining for themselves tolls on products brought through the town. They obtained royal charters for fairs and markets. They were involved in the provision of a bridge westward from the original social centre of the motte and church, thus providing a road running

north/south through the town and so giving Warrington the cruciform pattern which still prevails today (see Maps II and IV). They ensured the maintenance of paved streets and standards of cleanliness by a number of rules and regulations.¹⁶ Thus, in 1535, Leyland was able to write of the town:

"Warrington, a paved town; one church (and) a Freres Augustine at the bridge end. The town is of a pretty bigness. The parish church is at the tail of all the town. It is a better market than Manchester."¹⁷

By 1580 (almost the end of the Boteler dynasty) the population was about 1,044.¹⁸

The Barons of Warrington were, however, called on to serve in a wider sphere, as knights of the Shire of Lancaster, royal commissioners, high sherrifs, *et al.* They were present at the battles of Bosworth, Flodden and Tewkesbury.

The Botelers made also a considerable contribution to provision for the religious life of the community. They are credited with the replacement of the old Saxon church by a more substantial building on or very near to the site of the present Parish Church. They supported the Austen Friars by providing land for the friary (c.1261-end of century). They provided for a chantry in the Parish Church.¹⁹

But the most single enduring contribution of the Boteler family, a contribution which was to continue with its own identity long after the Boteler family had come to an end and in which there was a strong religious element, was the creation of a school in Warrington of which the foundation, provision and management up to 1842 form the subject of this present investigation.

The Founder of the Free School

The impetus and provision for a school at Warrington were provided by Sir Thomas Boteler (1461-1522)²⁰, 15th Lord of the Manor, who succeeded his half-brother, William, in 1471 at the age of ten years (Plate I). He was knighted in 1485. He was present at the battle of Flodden Field (1513) with his chaplain, William Plumtre (who was also one of his executors), where several of his tenants and retainers were slain.²¹

At that time, the great houses of the land, the houses of the powerful gentry and of bishops and abbots, were the focus of "government and administration ... centres providing an education for lay pursuits ... they provided training for many functions in the form of an apprenticeship in service, a form which extended to cover the upbringing of young men of birth."²²

As Thomas Boteler's mother was Margaret, eldest daughter of Thomas, first Lord Stanley, it was probable that he should receive part of his training in the house at Lathom (see Map I) of his uncle, Lord Stanley, then treasurer of the king's household, whose wife, Lady Margaret Beaufort, Countess of Richmond and Derby and mother of Henry VII, had provided a home "where promising youths with aptitude and desire for learning might be brought up, and who, for their instruction, employed a university tutor."²³ A modern appraisal of her has claimed that "she was one of the few worthy and high-minded members of the aristocracy in an essentially selfish and cruel age."²⁴ Two such "promising youths" from South Lancashire who became part of her household were Hugh Oldham and William Smith (or Smyth), both of whom became bishops, and, in their zeal for education, founded schools. Hugh Oldham (from Oldham, died 1520) became Bishop of Exeter, and, by his will, provided for the foundation of the

grammar school at Manchester, of which the deed of feoffment of lands and properties was produced in 1525, *ie* after the Bishop's death.²⁵ He was a benefactor of Corpus Christi College, Oxford, and, at one time, chaplain to Lady Margaret.

It is a "probable tradition" that William Smith (1460-1540) was educated in Lady Margaret's household. He was born in 1460 (thus almost contemporaneous with Sir Thomas Boteler) at Farnworth (near Widnes) which was in the parish of Knowsley (*see* Map I), location of one of Lord Derby's residences. In 1493, he became Bishop of Coventry and Lichfield (which included south Lancashire) and in 1496 was translated to Lincoln. In 1507 he provided for and founded a free grammar school at Farnworth (near Widnes), although it is probable that a school existed there before.²⁶ He was also a founder of Brasenose College, Oxford. Thus, Thomas Boteler seems to have followed the example of these two eminent and influential contemporaries in founding a free grammar school at Warrington, whom he had probably met in his youth at Lathom.

The Documents of the Foundation

The documents by which authority and provision were made for the creation of a school at Warrington were the will (made in 1520) of Sir Thomas Boteler (hereafter, the Founder) and the deed of feoffment of 16 Apr 1526 (hereafter the Foundation Deed) by which the feoffees were granted possession of lands and properties which were to provide the income for the maintenance of the school, along with the statutes by which that school was to be governed and administered.

The Founder's Will

Three passages, two from the Founder's will and one from a codicil attached thereto, are reproduced in Appendix I, along with commentaries. In his will of 16 Aug 1520, the Founder declared his wish, "to found a fre gram' [grammar] scole in Weryngton to endure for ev [ever]" and made provision for its foundation by depositing five hundred marks in gold with the Abbott of Whalley with which to finance the project by purchasing lands and tenements. He made further preparations for this work in his lifetime by adding a codicil²⁸ to his will which records that "his trusty servants", Sir William Plumtre, his chaplain, and Rauf Alyn, were to buy lands and properties which would provide the income for the foundation and maintenance of the grammar school. The relevant parts of this codicil are reproduced in Extract A, Appendix I.

The will itself provides an insight into the mind of the Founder. It is strongly religious, particularly in its details for his funeral: the place of burial, the appearance of the tomb, the accompanying religious formalities and the financial reward for those taking part in the service. This section of the will is reproduced verbatim (Extract B, Appendix I) for purposes of comparison with similar instructions concerning the observance of the anniversary of the Founder's death in the Foundation Deed. In both, the testator is concerned that those present should pray for him and his relatives, for both documents reflect a strong belief in the power of prayers and intercessions for the dead, so that his generosity and philanthropy cannot be regarded as being entirely disinterested.

The will shows also a concern for the continuance of the Boteler estate and dynasty. Leases and terms which had been promised to tenants were to be faithfully carried out. The feoffees were charged

to keep the estate intact so that it should pass to Sir Thomas's grandson and not be sold in parts to his son who could then dispose of them.

The details for the provision of the grammar school are reproduced verbatim in Extract C from a codicil to the will, with slight modernisation of the language for clarity, where necessary. Sir Thomas had already deposited five hundred marks in gold with the Abbott of Whalley ("in an unruly and dishonest society ... as supposedly perpetual corporations the monasteries were useful safe-deposits"²⁹). Funds surplus to the requirements of the school were to be used for the provision of prayers for the soul of Sir Thomas and the souls of his ancestors. His executors were charged with the duty of appointing, "an honest priest ... learned in grammar to be master of the ... school" and to pray for his soul and the souls of his ancestors.

Thomas Boteler's wish to found a school in Warrington was not, however, just an assurance of masses, prayers and intercessions "for ever", nor was it an isolated act of charity for it was a part of a philanthropic movement which, in Lancashire, between 1480 and 1540 provided nine endowed schools, *viz* Farnworth (Widnes), 1507; Blackburn, 1514; Liverpool, 1515; Manchester, 1516/25; Hornby, 1523; Leyland, 1524; Warrington, 1525; Broughton, 1527; St Michael's-on-Wyre, 1533.³⁰

These schools were "the creation of a remarkably small and closely knit group of donors" among whom were members of the powerful and favoured Stanley family who provided for Blackburn and Hornby. The founders of three schools, Farnworth, Manchester and Warrington, had, as has been shown, in all probability resided in the Stanley household and had been influenced by Margaret Beaufort. The school at Leyland was provided by Sir Henry Farrington, "a member of a

numerous and persistently generous family of that region" (*ie* south Lancashire). Lawrence Stodagh , "owning land at Preston and Halsall" and John Butler, both members of "the lower gentry", founded schools at Broughton and St. Michaels-on-Wyre. The school at Liverpool was provided for by John Crosse, a priest who held livings in London, Bedfordshire and Liverpool, and who was a member of an old mercantile family of that town.³¹

The motivation for this movement for the founding of schools in preference to monastic and exclusively religious instructions may have been expressed in the prophetic reply of Bishop Oldham who is alleged to have opposed the establishing of Corpus Christi College purely "for buzzing monks ... whose end and fall we ourselves may live to see."³²

The foundation of the school at Warrington was formally made by a deed of feoffment (the Foundation Deed) on 16 April 1526. An edition of this Foundation Deed has been compiled from two original but imperfect copies of the deed, and from 19th century copies, for this research. Although this edition of the deed is one of the major parts of this present work, providing as it does a version of the deed which had not been available for over 300 years, it was decided to position it in an appendix (Appendix II) so that its bulk and complexity would not impede the general development of the theme of the work. Nevertheless, the importance of this edition of the Foundation Deed cannot be overstated, since this thesis is basically a study of the terms of that foundation and the attempts to comply with those terms during a period of over three centuries. Appendix II contains also information concerning the sources, history and compilation of this variorum edition of the Foundation Deed.

This present section is an analysis and exposition of the Foundation Deed which, for ease of reference, has been divided, according to subject, into sixteen sections, indicated by Roman numerals on the composite version in Appendix II. The quotations from the Foundation Deed used in this analysis are modernised versions from that edition. These sixteen sections may be re-grouped to indicate the two main intentions of the Foundation Deed. First, Sections I to IV set up a structure of three parties by which the School was to be managed and administered, *viz* the office of the patron, the assembly of the feoffees, and the office of the master of the School, with definitions of their respective powers and duties. (Indeed, this investigation is frequently concerned with tension

between feoffees and masters). Sections V to XVI consist of a number of rules and ordinances by which the life of the School was to be maintained and conducted. This two-fold pattern was a familiar design in contemporary foundation documents.

At the end of each section, references are made to other foundation deeds for comparison, both for similarities and differences, in order to illustrate the range of options available. Five foundations have been selected for special mention, *viz*:

Macclesfield Free Grammar School³⁴

The original foundation at Macclesfield was in 1502 by Sir John Percyvale (Percival), a Macclesfield man, a member of the London Merchant Taylors Company, who became Lord Mayor of London, 1498-99. The School was affected by the Chantries Act, 1547, and closed probably between 1549 and 1552. A continuance warrant was drawn up in 1552 and shortly afterwards a royal warrant confirmed the new arrangements. Thus, this School's foundations provide comparisons with Warrington, both before and after 1526, and also with the effects of the Chantries Act on foundation deeds.

St Paul's School³⁵

Founded by John Colet, 1509/1518, Dean of St Paul's, it provides an example of a foundation which closely preceded that of Warrington and which became a pattern for other foundations, *eg* Northwich (*ie* Witton, 1558), Sherborne (1558), Bruton (1559), Tideswell (1559), Worcester (1561).³⁶

Manchester Grammar School³⁷

Reference is made here to the deed of feoffment of 1525 which has many similarities with that of Warrington. As has been stated, the

Founder, Bishop Hugh Oldham, may have had personal associations with Sir Thomas Boteler. In both cases, *ie* Oldham and Boteler, their wishes were being brought into effect by the Founder s'executors.

Malpas Grammar School³⁸

Founded in 1528 by Sir Randal Brereton (a feoffee of the Boteler foundation and a son-in-law of Sir Thomas Boteler, Chamberlain of Chester), a chantry school with many features similar to those of Warrington.

Sir John Deane's Grammar School, Witton (Northwich)³⁹

Founded by Sir John Deane, clerk, priest of St. Bartholemew the Great, Smithfield, a Northwich man, in 1558, it provides an example of a foundation made after the abolition of the Chantries.

These schools were selected because they seemed representative of the variety of the patterns of foundations as recorded in the works of N.Carlisle and A.M. Stow (*qv*). Also, four of them were of interest locally.

In this selection, the founders represent the landed gentry, the clergy, and a successful businessman. In the text, the foundations are referred to by name of their location for ease of reference, with the exception of St. Paul's.

Unless stated otherwise, information in the text concerning the above-named schools is taken from the sources quoted in the notes.

The Foundation Deed

Section I

This opening section of the Foundation Deed dealt with two subjects. First it named those who were to form the four parties between whom agreement had been made and by whom the Founder's wishes were to be effected. Next, it set out the intentions of those parties and the Founder's reasons for wishing to establish a school in Warrington.

The parties to the agreement were:

- 1) Thomas Boteler⁴⁰, the Founder's son and heir;
- 2) the Founder's executors, *viz.*, Dame Margaret Boteler (his widow), Ranulphe Pole (clerk), Richard Sneyde and William Plumtre (clerk, the Founder's chaplain)⁴¹;
- 3) sixteen local gentry and landowners, who were to be the feoffees of the lands and tenements named in the deeds annexed to the schedule by which the school was to be provided and maintained.⁴² This number of feoffees was to remain unchanged for the period of this investigation;
- 4) the fourth party consisted solely of Sir Richard Taillior, clerk, who had been "named and ordained schoolmaster of a new free school at Warrington" and confirmed by those who were "there present."⁴³

The appointment of the first three of the parties shows a strong personal and dynastic element. In addition to the Founder's widow and son, four of the feoffees were sons-in-law of the Founder, who, although he had only one son, had eight married daughters, so that, at the time of the planning of the foundation, the possibility of the extinction of the house of Boteler or the failure of the source of

"heirs of his blood" must have seemed very remote. Yet this is what within a period of seventy years did, indeed, happen, with serious effects upon the school whose prosperity was so closely connected with that of the Boteler family.

The Founder's reasons and hopes for founding a school at Warrington were then rehearsed in the deed, and are here quoted in full (in a modern version); they appear in the deed in the form of *oratio obliqua*.

"[The Founder recalled] that in the said county and shire of Lancaster be very few schools of grammar whereby men's sons might learn grammar to the intent that they thereby might the better learn to know Almighty God and to serve him according to their duties by virtue whereof they might the better avoid and eschew all vices and use good manners, thinking also inwardly in his heart that through the grace and goodness of almighty God many poor children and young men applying themselves to learn grammar which is the original ground and fountain of the which doth proceed and spring the very mean and plain way to come to the clear understanding of good living might approach to such knowledge of the light of grace that perchance they might happen to be the very clear lantern of good example in virtuous living to all the country threabouts to the good increase and use of virtue and expulsion of all vices."

To that end, he had "intended and proposed to have established founded and made a free grammar school in Warrington." Thus, Sir Thomas saw in the learning of grammar (*ie Latin*) a high moral means by which a better way of life, personally and socially, might be achieved. This is the only indication of the Founder's objectives in the creation of a school, with no other indication of subject matter, unlike, for example, other founders who recommended certain authors for study. The use of the term "grammar school" in modern usage is probably best interpreted by the expression "school for Latin", since Latin was what was taught, with the possible inclusion in some schools of Greek and Hebrew. Sir Thomas had intended to found such a school in his lifetime, but was prevented from so doing by death. He had, however, made provision for that work in his will and had already set the process in hand. Accordingly, his son, his executors

and the appointed feoffees had ordered and established "a free grammar school" to be kept in Warrington and had devised suitable rules and ordinances for its conduct "as hereafter ensue".

The four parties to the deed together formed a structure which was to create a school and then to manage and maintain it. The foundation was to be effected by his son (*ie* his heir) and his executors who, with careful provision for surrogates, were to retain to themselves the right to nominate and, when necessary, to dismiss the schoolmaster and to act generally as the ultimate authority in matters of dispute. These functions were eventually invested in the office of patron. Since such schools had emerged from the middle-ages onwards "as self-sufficient entities", their assets called for protection and direction, a function usually entrusted to groups of men, enfeoffed of the lands, properties and moneys of the foundation, "whose main purpose was to safeguard the wealth that made the [schools'] continuance possible". The body of feoffees at Warrington was composed of land-owning gentry, mainly local. The fourth party of the deed provided for the office of schoolmaster who assumed responsibility for the academic work of the school and the management of the estates. The results of these provisions was a triangular structure of Patron, Feoffees, Schoolmaster, whose differing duties and interests were to produce the "constant tension" which Baron and Howel *et al* saw in the present position of schools in their social and political setting.

The Foundation Deed next dealt with such administrative matters as the designation of the School, the location of the school-house, the seizin of the lands and properties intended for the school's maintenance, details of the payment of the schoolmaster, the management of income from the lands and properties, the appointment of future feoffees and the appointment of the schoolmaster.

Section II

The Founder's son and heir, his executors and the feoffees had appointed Richard Taillior to be schoolmaster "for term of his life" and had stated that he and all other priests who succeeded him should be called "the schoolmaster of Botelers free school of Warrington".⁴⁴ The feoffees were agreed that the schoolmaster should be possessed of one house "set in a certain lane ... called Bag Lane"⁴⁵ and also of a little croft adjoining to the same on the north part of the same house" in which the schoolmaster was "to keep the said free school" (see Map IV). This was called the Schoolhouse of Warrington and was to be repaired yearly at the expense of the schoolmaster. The feoffees were to be in possession of the lands and properties intended for the maintenance of the school, the profits of which were to be for the use of the schoolmaster "for his stipend wages and living and for such other things as hereafter is specified". They were to allow him to receive yearly all the revenues "what so ever they shall be coming or growing".

* * * * *

From the beginning, the school had its own building on a plot in Bag Lane (Back Lane - Map IV) which was the site of the school until it was moved to more modern premises in 1940. (The Victorian building of the school of 1862 still stands.)

This section of the Foundation Deed established the principle that the feoffees were to have possession of the lands and properties, but that the schoolmaster was to have the use of the revenues annually, "what so ever they shall be". This aspect of the administration of the school is dealt with later in Section XIII,

where arrangements in other foundations are examined. It also established the master's right to the Foundation's income, a matter which was to be a source of contention in the future.

Section III

The next ordinances made provision for the appointment of future feoffees. When the original number of feoffees had been reduced to 4, the remainder were, within a month to enfeoffe, two "honest priests" who were immediately to "refeoffe" to the existing four twelve "of the most honest and discrete persons of the parishes of Warrington, Wynwick, Legh and Grappenhall" who were to be named and appointed as co-feoffees. This was to be done as often as was required.

* * * * *

The reduction of the 16 feoffees to 4 before replacements were appointed appears extreme, but in practice as not uncommon, for the same arrangement obtained at Manchester, where, when the number of feoffees was reduced to 4, the number was to be made up to 12.

At this period, the number of feoffees in other foundations varied from 2 to 27.⁴⁶ Manchester and Witton had 12 feoffees each and Macclesfield had 17. At St. Paul's a different system operated: the whole management of the foundation was in the charge of the Company of Mercers.

Arrangements for the appointment of feoffees varied considerably. At Manchester, Macclesfield and Malpas, the remaining feoffees nominated their own replacements, so that these bodies of feoffees were self-perpetuating. By contrast at Warrington the choice of replacements was left to two priests who had been nominated by the remaining four members, an arrangement which suggests an attempt to avoid the influence of a pressure-group on the part of the laity. At Manchester, the replacements were to be "honest Gentlemen and honest

Persons within the ... parish of Manchester".⁴⁷ At Witton preference was to be given to the founder's kinsfolk.⁴⁸ At Malpas the feoffees were drawn from the chief families of the area.

The prompt replacement of feoffees was a critical matter in any arrangement in which they played more than a nominal role, as will be evident in the findings of this present work. At one of the worst periods in the life of the Warrington school, the body of feoffees had been reduced to one member.

Section IV

The regulations next dealt with the appointment of the schoolmaster. This right was allotted to the Founder's executors, viz his widow, Ranulphe Pole, Richard Sneyde and William Plumtre or whichever of them outlived the others (i.e. "the overlivers"). They were to "name and appointment an other honest and discrete priest, sufficiently and groundedly learned in grammar and able to teach grammar to be schoolmaster of the said school for term of his life". When these four executors were dead, Thomas, son and heir of the Founder, was to nominate the schoolmaster, and after him, "his heirs of his body begotten and for default of heirs of his body then his right heirs" were to exercise the right of nomination ("right" = "rightful"). Further provisions were made in case of default. If Thomas and/or his heirs failed to make a nomination, within a month of the occurrence of a vacancy, then "the parson of Warrington ... for the time being and his successors ... for that time only" were to nominate and put in "a new schoolmaster". If the parson of Warrington and his successors should "happen to be negligent and remiss" in this duty, or if the parsonage itself was vacant, the nomination was to fall to the Warden of the College of Manchester and his successors. (These provisions tried to ensure that the office of schoolmaster did not lapse as a result of default on the part of the nominator, only one month being allowed for the requisite action being taken.)

Problems concerning the right to nominate the master were to arise later from the interpretation of the term "right heirs" (i.e. rightful heirs), since the term did not have a clear and precise meaning. For example, the question arose as to whether a rightful heir had the authority to devise the right of nomination, or, indeed,

as to whether the right of nomination could be legally devised.

* * * * *

Through all the ordinances, regulations were being made for the provision and management of a school which (in a much used expression) was to exist "for ever". This objective is much in evidence in the attempts to ensure the continuity of the right to nominate the schoolmaster and to ensure also that this right was exercised by a trustworthy authority and was indeed exercised, for both the success and the survival of a school at that time depended to a great extent not only on the master's scholarship but also on his integrity *vis-a-vis* the administrative powers which he might exercise. At Warrington, although the Founder's progeny included a son and eight daughters (see Plate II), so that a dynastic succession might seem reasonably assured from which a legitimate patron could be identified, further provisos outside the family were prescribed. Individual founders tended to wish to keep the right of nomination within the family. Thus, in the early, influential foundation of Lady Katharine of Berkeley, for the school at Wolton-under-Edge (1384)⁴⁹, the master was to be presented by Lady Berkeley herself, and, on her death, by her son, Thomas, and his male heirs, or, failing that, by her second son, John, and his heirs, or by the Lord of the Manor of Witton. Deane and Oldham had no progeny, but reserved for themselves the right of nomination. After Deane's death, the right passed to the feoffees whose choice of candidates was to be closely supervised by the Bishop of Chester and the master of the King's School at Chester. Deane decreed that preference should be given to any kinsman able to teach and comparable to other candidates, or to any similar candidate from Witton or anyone who had

been brought up in the school. Oldham directed that the right of nomination should pass to his executors and after them to the President of Corpus Christi College at Oxford, or, in his default, to the Warden or Deputy Warden of the College of Manchester. At St. Paul's, the master was to be chosen by the wardens and members of the Mercers' Company. At Macclesfield, the founder appointed a kinsman to be the first schoolmaster; at the refoundation, the right passed to the governors. At Malpas, the founder appointed the first master himself and after his death the right was to pass to his male heirs. At Warrington the feoffees were not involved in the plans for the right of nomination.

Section V

The regulations next dealt with the routine management of the school. First, the schoolmaster was to teach any scholar "coming to the ... School" according to Whittington's⁵⁰ grammar or whatever form was used in grammar schools "freely and quietly, without taking any reward, stipend or schoolhire" or making any other financial arrangement. He was to teach on any "ferial day" except the three ferial days before the feasts of the Nativity, Easter and Pentecost, and except such times as there was "a reasonable let or impediment". It was, however, to be lawful for the schoolmaster to take from any scholar learning grammar four pennies a year, *ie* a cockpenny in the quarter after Christmas and one potation penny in each of the other quarters for which the schoolmaster was to make "a drinking".

* * * * *

Following the regulations for the choice of schoolmaster (Section IV), the ordinances next guarded against two common abuses practised by holders of that office, *viz* the making of unlawful monetary charges and the neglect of duty, in this case by permitting unauthorised holidays or play periods, thus interrupting the continuous work of the school. At Warrington, any scholar in attendance was to be taught grammar (*ie* basically Latin) without any charges or "fee of schoolhire". Throughout the foundation deed, the word "free" was included in the school's title and long after. For the significance of this term, three main interpretations have been offered:

- i) a school which was free from external control;
- ii) a school which was such that a liberal (a freeman's) education

was provided, being open to all-comers, breaking down barriers of township and class;

iii) a school in which, because of endowment, education was offered without fees, although voluntary offerings might be made.⁵¹

Thus, in the term "free school", the word "free" remains ambiguous, apart, perhaps, from the one connotation in Leach's definition that " ... a free School meant undoubtedly a School in which, because of the endowment, all or some of the scholars, the poor or the inhabitants of the place, or a certain number, were freed from fees for teaching".⁵²

The term "poor" (used also at Warrington of the "poor children" for whom the School was intended) requires clarification, for the view has been expressed that the "really" poor were not to be found in the grammar schools which were out of the reach of day labourers who could not afford "voluntary" gifts or the various charges for books, writing materials, candles, heat, etc., but also because "at the age of six or seven, the children of the poor were needed to work in some way to help to support the family".⁵³

Whatever was the practice at Warrington (and in 1810 the practice was in direct contravention of the terms of the foundation) the wording was clear: the schoolmaster was to teach without taking "reward, stipend or schoolhire or any other thing by promise, grant or covenant before made".

At St. Paul's, admission was to be granted to "children of all nations and contres indifferently" who, on first admission, were to pay four pennies for the writing of their names by the poor scholar who swept the school and kept the seats clean. At Manchester, on first admission, new scholars were to pay "one penny sterling to two poor scholars, ... who were to write scholars names in a several Book" and who were also to clean the schoolroom once a week. At

Witton, on the first Thursday after Christmas, each scholar was to pay a penny, "commonly called a cock-penny". At Malpas, a payment of 4 pennies a year for cock- and potation pence was made. It is here suggested that these were in fact fees for admission or continuance.

The ordinances required that there was to be a serious and industrious attitude to the work of the school. The schoolmaster was not to allow any scholar to play on a working day in a week in which there was a holy day/holiday. In a week without a holy day, the schoolmaster could give permission for the scholars to play on the afternoon of Thursday. The only exception to this rule was to be "at the request or desire of a great worshipful man". (*cf* with St. Paul's, where the King or Archbishop must be present and ask for a "remedy", *ie* play-day.)

* * * * *

The second abuse of the system was the neglect of duties by masters taking unauthorised leave.⁵⁴ Accordingly, rules were made about holidays. At Warrington, in a week without holy days, the master might allow play on Thursday afternoons. At St. Paul's, there were to be no play days except at the request of the King or Archbishop; otherwise, the master lost his wage for the day. At Manchester, no scholar was allowed to play or to leave the school without the permission of the Warden of Manchester College. At Witton, Deane was more generous: play was allowed on the afternoons of Thursdays and Saturdays, and, in the weeks before Christmas and Easter, the scholars were to keep the master out of the school "in such sorte as others scollers do in great schools."⁵⁵

Additional payments which foundations did allow frequently appear as "cock-pennies" and "potation pennies", both of which appear

in the Warrington foundation. The latter were to enable the master to provide a "drinking for his scholars". Cockfighting, for which cockpennies were collected, was prohibited in many schools, *eg* St. Paul's, Manchester, Merchant Taylors, Nottingham, but continued to be popular in Lancashire⁵⁶ and at Witton and Malpas, although the wording at Witton does not necessarily imply that cockfighting still continued.⁵⁷ At Hartlebury⁵⁸ the profits from cock-fights and potations were regarded as legitimate sources of the master's wage:

[The schoolmasters were to have the profits of all cock-fights and potations] "as are commonly used in schools and such gifts as shall be freely given them ... over and besides their wages".

Section VI

The ordinances laid down the close relationship between the school and the parish Church of Warrington. The schoolmaster, who was always to be a priest, was every Sunday and holy day to be "personally in the quire of the parish church of Warrington in his surplice to help to sing, read and say the divine service according to his learning and cunning [*ie skill*]". The scholars were three times a week (*ie* Sunday, Wednesday and Friday) to go "two and two together in procession about or within the parish church of Warrington singing responses or such service as to that day shall appertain and according to the cunning of the said scholars in song".

* * * * *

The provision for the schoolmaster at Warrington always to be a priest enabled a strong connection between the school and the Parish Church to be made, by which the master and scholars were to be involved in the services and singing of the liturgy. (Other duties in connection with the anniversary are considered in Section XIV.)

Colet, Deane and Oldham, all churchmen, did not insist that their schoolmasters should be priests. At St. Paul's provision was made for the appointment of a priest to be chaplain of the school. If, however, the master was a cleric, he was to have no other benefice with cure nor service "that might hinder the due business in the school." With the obvious connection with St. Paul's Church, on Childermas day (Holy Innocents, 28 December), the students were to go to church "twayne and thayne together soberly", an instruction which was to appear in many foundations. At Manchester, if the master was a priest, he was to serve in the choir of Manchester College, but was

not to be a member of a religious or monastic order. Every Wednesday and Friday the scholars were to go "two and two together ... in procession solemnly" before the warden of Manchester College.

Provision was made at Macclesfield for the master to be a priest who, in addition to keeping a school was to pray for the founder and the founder's friends. The master and pupils were to assemble every evening in Macclesfield Church to remember the souls of the founder and his family; they were also to observe the founder's anniversary (obit).

At Malpas, the master was to act as a chantry priest and say mass daily in the Brereton Chapel in Malpas church. He was also to arrange the twice-yearly celebration for the founder, his wife, children and ancestors at which he and the pupils were expected to attend.

At Witton, Deane expressed no preference for a priest to be schoolmaster, but required that he should be single and over 30 years old. There were to be acts of worship three times a day in the school, with prayers for the founder, his parents and all Christian souls. Every Friday, specified hymns and collects were to be said. Every year on 7 Aug (Name of Jesus) the scholars were to go to the parish church to say the *Dirige* and commendations.

One familiar phrase, "two and two together" indicated the standard of reverential behaviour required of the scholars in their attendance at church.

Section VII

The eventuality of an unsatisfactory schoolmaster was then provided for. If the present schoolmaster, or any other, should be proved before the Official of Chester by "four honest persons" of Warrington of failing to be "diligent in attending or teaching the ... scholars" or in not being honest in his life or of not being "discrete in correcting the scholars", and if he does not amend his ways after three warnings from the patron (or his successors), then the patron was to remove the schoolmaster and provide another who would be able to perform his duties.

* * * * *

At Warrington, the impetus for the investigation of insufficiency on the part of the master was to come from "four honest persons" and subsequent removal, after reasonable warning, came from the patron; the feoffees were not involved in this procedure. It is noteworthy that the case which was brought before the High Court of Chancery (1810) was lodged on information from a committee of citizens of Warrington.

At Manchester, the master was not to be expelled or removed against his will, but for "misliving or insufficient attending or teaching the scholars there or having any sickness or disease incurable" at the order or discretion of the Warden of Manchester College.

At Witton, dismissal would follow an unheeded warning from the feoffees.

At Macclesfield, the governors had the right to dismiss the schoolmaster with the approbation of the Bishop.

Section VIII

In addition to the teaching of grammar, the ordinances required the schoolmaster to provide instruction in reading, an obvious necessity before the academic work of the school could begin. He was to appoint every day one of his scholars, learning grammar, of the two highest forms in the school, one after the other, according to their plan of seating, to teach all the "infants" who came to the school, "to learn their A.B.C. and primars and so forth until they be entered in to the learning of grammar".

* * * * *

The wording of this ordinance suggests the arrangement in the schoolroom of the seating of the scholars in their appropriate years in "forms".

At Warrington, the wording in the deed requiring the master to appoint senior scholars to instruct the "infants" is almost identical with that at Manchester except that there the instructor was selected monthly and not daily. At Malpas, the priest was to be assisted by older boys who were to teach the infants their A.B.C. and primar.

Provision of the teaching of reading was at this time probably available in more casual channels such as periods of religious instruction from the priest, in dame, petty or A.B.C. schools, or in the home.⁵⁹

The use of senior students in giving instruction to younger ones suggests the use of a monitorial or prefectorial system. It has been suggested further that senior students were used to assist in keeping order as well as hearing lessons, "not magistrates but policemen" (Leach). Monitors could appoint private monitors for secret informa-

tion: "The spy system seems to have been fully and shamelessly developed in Elizabethan schools".⁶⁰

Other foundations with similar arrangements for the teaching of infants ("petties") were at Burford, Ringwood, Wellingborough and Worcester.⁶¹

Section IX

The school-hours were prescribed in the ordinances. Between Michaelmas and Easter (*ie* the autumn/winter period) the schoolmaster and scholars "inhabited within the franchises of Warrington" were to be at the Parish Church "between six and seven in the morning and there shall say such prayers as shall be appointed and written in a table to be hanged in Botelers Chapel ... and then immediately shall go to the schoolhouse and shall depart thence at five of the clock in the afternoon or by four at the discretion of the schoolmaster." Between Easter and Michaelmas, attendance at the Church was to be at five or six o'clock and departure at night at seven o'clock. Every night, master and scholars were to go to the Parish Church to sing an antiphon of Our Lady and say such prayers as shall be expressed in the said table and then depart home.

* * * * *

The school day at this time was generally a long one, lasting between 8 and 10 hours a day, the morning sessions being from 6 a.m. to 11 a.m. (7 a.m. to 11 a.m. in winter) and the afternoon sessions from 1 p.m. to 5/6 p.m.⁶² It has been suggested that the length of the school day was, *inter alia*, a preparation for a way of life very different from that of the present day, the socialisation of children being one of the prime functions of the school.⁶³ At Manchester, school was to begin in winter at 7 a.m. and at 6 a.m. in summer, whereas St. Paul's morning sessions throughout the year began at 7 a.m. and lasted until 11 a.m. and the afternoon sessions from 1 p.m. to 5 p.m.

In comparison with other foundations, Warrington provides little

information on the criteria for the selection of admissions to the school. The expression "inhabited within the franchises of Warrington" (in this section) may be interpreted as imposing a regional qualification. At St. Paul's and Manchester, entry was open to any boy without any regional qualification. At Malpas, the school was to be "free to all comers". At Witton, preference was to be given to founder's kin "wheresoever they dwell", with no other limitations. At Macclesfield, the instruction was intended for "gentlemen's sons and other good men's children of the town and country thereabouts".

In the 19th century, the Trustees at Warrington were to ask Chancery for guidance as to who qualified for entry as a "free scholar".

Section X

The ordinances provided for the possibility of any sickness of the schoolmaster who, if he was sick or diseased and thus unable to teach, was to arrange for another capable and able priest to take his place and to pay him such wages as they could agree on.

* * * * *

The indisposition of the schoolmaster created problems for a school of a staff of only one or at the most two or three. The terse requirements at Warrington laid the onus of providing and paying a substitute clearly on the master himself. At St. Paul's, in similar circumstances, the undermaster was to have the master's wages. At Manchester, the usher was to take on the master's duties. At both these foundations, provision was made for a pension for the master, if, after long and laudable service, he was incurably ill or too aged to continue; no such provision was made at Warrington.

Section XI

The schoolmaster was to "covenant and grant" to his sponsor that he would "well and truly observe and keep all the ... ordinances and statutes of which on his part ought to be performed and kept". Also, he was not to leave the position of schoolmaster without giving "one quarters warning" to his sponsor (or his sponsor's successor) along with "this schedule indented and all other writings concerning the ... school to the intent that they may be delivered to the new schoolmaster."

* * * * *

The requirement at Warrington for loyal obedience to the statutes was a precaution against innovations on the part of the master not in keeping with the Founders' intentions.

The strictures concerning notice of quittal reflected the concern for the continuity of the school expressed in the regulations concerning a master's indisposition. At Manchester, the master was required to give 14 weeks' notice, *ie* one quarter, as at Warrington. At Witton, half-a-year's notice was required, unless a shorter period was acceptable to both sides.

Section XII

It was ordered that no scholar should wear "any dagger, hanger or other weapon than his knife to cut his meat with". Every scholar was to be obedient to the schoolmaster in all his lawful commands and demands. They were also to give "help and assistance" to the schoolmaster in the correction of any scholar, as often as he shall require it. After a scholar had been learning grammar for 12 months, he was to speak only Latin and not English. Scholars were not to use "diceing or carding" or any other unlawful game. If a scholar disobeyed the reasonable commands or corrections of the schoolmaster or made "any affray on him", then that scholar should be removed from the school "for ever", unless the schoolmaster be content to let him remain.

* * * * *

The wording at Warrington closely resembles that at Manchester concerning the carrying of weapons and the playing of games such as dice or cards which could lead to fracas and disruption. Similar also were the requirement to speak Latin and the authority to exclude an unruly student. The requirement at Warrington that scholars should come to the aid of the master, where necessary, further illustrates the realistic element which runs through this Foundation Deed. Here and elsewhere the Foundation attempts to make possible for the school a quiet and calm life, free from the alarms of a violent society.

At Witton, provision was made for the expulsion of disobedient and rebellious scholars, with the following inclusion concerning indulgent parents who,

"upon complaynt of the childeren, their parentes doo seeme to moleste and disquyet the scholemaister against reason and ordre, I will that all such mens children after due proffe of such follye and fondnesse of the parents ... shalbe utterlye expelled from the scole for ever, unless they shalbe hable to prove that the correccion doon was unreasonable."⁶⁴

Section XII

The ordinances laid down the critical arrangements for the making of leases and the use of the revenues from the estate. It was ordered that 6 months after a schoolmaster had been installed, the feoffees were to make by deed an agreement with him that he should receive the rents from the lands and properties of the estate and that he should renew the leases, in which deed he should be called, "the Schoolmaster of Warrington of Boteler's School for term of three score years", with the provision that, if he relinquished the office, the agreement would be void. He was to have "full power and authority" to make leases of the foundation's lands "for term of few years only", to be made with the agreement of the executors and their successors, such leases being "made and sealed with the seal ordained for the said schoolmaster". This seal was to be used on all documents concerned with the school and was to be kept safely and handed on "from one schoolmaster to another as they shall succeed in their rooms". All such documents were to be deposited with the College of Manchester⁶⁵ "there to be surely kept and copies thereof to be made and delivered to the said schoolmaster and to remain with him and with every other schoolmaster". In the event of a dispute with the lessees, the Warden of the College of Manchester was to provide the schoolmaster with "all such deeds as concerneth the said lands then being in variaunce only if need so shall require". When such a dispute had been settled, the schoolmaster "within one month after shall redeliver all the same evidence to the said college again".

[Sections XII and XV are here considered together]

The implication of Section XIII was that at Warrington the master was to become a kind of manager of the estates with power to make and renew leases for a period not exceeding 10 years with the exception of lands at Tildesley for which special regulations had been made. This arrangement was, before the end of the century, to result in malfeasance and mismanagement, with loss of lands and revenues, and was to necessitate a re-foundation of the school in 1610. It was further to provoke antagonism between masters and feoffees. (Stowe saw a similar danger when such powers were invested in feoffees who "would appropriate the lands or rents for their own use".⁶⁶)

At Macclesfield in 1502, lands, rents and heridaments worth £10 p.a. for the maintenance of the school were granted to a self-perpetuating trust composed of 17 local gentlemen. An overseer of the lands was to be appointed at a salary of 6s.8d. After the deduction of the necessary expenses, the remainder was to be paid to the master. On its refoundation (1552), a corporate body, similar in structure to the original, was convened with an augmented income for the school of £20.

The arrangements for management at St. Paul's were vested in the Mercers' Company who annually appointed two of their number ("surveyors") who were to have control over the foundation's income and management and who were to be rewarded for their services. The master was to be paid a mark a week with a livery gown worth 4 nobles annually, and have free lodging.

At Manchester, the Abbot of Whalley was to appoint "one substantial person dwelling within the parish of Manchester ... to make accompts, and pay Quarterly the Master and Usher ... " He was also to pay and receive rents and was to be known as the Receiver.

Leases not exceeding 10 years could be made. The master was to be paid quarterly the sum of £50.

At Malpas, the master was to be paid £10 p.a. with an allowance to cover expenses arising from the chantry. The founder had also built a school-house with monies for its upkeep. If these monies proved inadequate and the building fell into ruin, the master's salary for two years was to go towards its repair, and the master was to take "such sums of money as he can agree with ... his scholars", regardless of the statutes.

At Witton, two of the feoffees were appointed to manage the finances and estates and to present an account to the other feoffees and the church wardens on the eve of Jesus (6th Aug.) every year. The master was to have £12 p.a. and "vayles" (occasional emolument or fee in addition to a salary). He was also allowed four pennies on the admission of each scholar and one cock-penny from each scholar yearly.⁶⁷

It has been calculated that the average wage for a schoolmaster in pre-reformation times was £6.10s. and in Elizabethan times £16.10s. per annum. The commonest salaries were £10, £13, £20 in Elizabethan times.⁶⁸

Section XIV

The schoolmaster and scholars were to play a specified part in the annual religious commemoration of the Founder's death, "the anniversary", on 27th day of April. On the 26th day of April, the bellman of Warrington was to go through the town and desire "of every man, woman and child to pray for the soul of ... Sir Thomas and Dame Margaret after her decease and his heirs". This done, the clerk of the Church of Warrington was "to cause three long peals to be rung with all the bells in the steeple except the Sanctus Bell". Detailed arrangements were given for the saying of the masses on the anniversary and for the payment of all concerned. The costs were to be defrayed by the Schoolmaster. The arrangements for the masses extended beyond the day of the anniversary, with further obligations for the schoolmaster.

Provisions for daily religious observances have been reviewed elsewhere (Section VI); this section is concerned with annual ceremonies, usually connected with the death of a founder (an "anniversary"). The "elaborate chantry provisions of the foundation deed" (as V.C.H. describes them⁶⁹) give a vivid impression of the customs and rituals at Warrington on this occasion. At Macclesfield, Sir John Percival's obit was to be observed. At Malpas there was to be a twice yearly celebration of the requiem mass for the founder, his wife, children and ancestors.

Section XV

The arrangements for the management of the estate and its income, provided for in previous ordinances, were followed by requirements of accountability. On the day of the anniversary, the schoolmaster was to present "a true account of all such issues and profits coming and growing of the said lands tenements and rents as he shall have received that year" to the Founder's executors or, on their decease, to "the parson or curate of Warrington and before the other chantry priest singing in Botelers chapel". From the profits, the schoolmaster was to have ten pounds "for his stipend" and was to pay the costs of the anniversary. The "overplus" (*ie* surplus) was to be kept to bear the costs of renewing the feoffments and the writing of the deeds and legal papers, and for the requirements of the chapel.

[See Section XIII]

Section XVI

The last ordinances dealt with action to be taken to resolve disagreement among the feoffees. Such disagreement was to be "ordered and reformed" by the Founder's executors and after their deaths by the patron and the Official of Chester in keeping with the meaning of the "present" ordinances by which the disputing parties were to abide. If any feoffees, then or later, wished to change or break any of those ordinances, then those leases or agreements made according to the true meaning of the orders were to be regarded, if they had been made by all the feoffees. Any arrangements made "contrary to the meaning of the said ordinances" would be "void and of no effect".

The deed ended with the signature and seals of the parties.

Such, then, were the provisions and ordinances decreed in 1526 for the governance, continuance and well-being of the Free School of Warrington. With the passing of time, with social, economic, political and religious changes, and sometimes as a result of human weaknesses, these regulations from a pre-reformation and quasi-mediaeval⁷⁰ age were either increasingly difficult to enforce or had, by neglect, disappeared, for a school, as a social agent, will reflect the society of which it is a part and which it both serves and shapes. This present investigation is, if viewed from one angle, a study of the history of the provisions and ordinances of the Foundation Deed, as they were changed and interpreted, as social attitudes and requirements changed.

Such a document as this Foundation Deed has, however, values beyond its basic purpose of setting a school in motion and providing for it. For example, Bryce when reporting to S.I.C. on the Warrington school, which he described as "one of the most ancient foundations in Lancashire", said of the statutes and ordinances: "A code of rules was at the same time drawn up for the school, many of whose provisions illustrate in an interesting manner the state of education at the time".⁷¹ N. Orme selected the school for special mention, along with Oxford, Winchester, St. Paul's and Manchester, as having statutes which give valuable information about hours, expense, discipline and misdemeanours.⁷² He included it also in a list of schools whose statutes specify school hours.⁷³

The details of the Foundation Deed do, indeed, "illustrate ... the state of education at the time". They express contemporary attitudes towards the concepts of the nature, purpose and value of formal education. They provide information about the day-to-day running of a pre-reformation school (*i.e.* before the closure of the chantries), of its hours, its organisation, its methods of teaching,

its problems of discipline, its recreations, its rewards and punishments. They deal with the administrative problems of management and finance, of appointments and dismissals, of continuity, of the relationship between education and religion.

As the interpretation and implementation of the details of the Foundation in the next three centuries are studied, it is possible to identify the problems and difficulties which seem inherent in school-making and which were to be evident in the spread of popular education in the 19th century and after.

But it may be that its most attractive attribute is to be found in the brief imaginative sketches which it provides of the social and religious life of a small south-Lancashire town in the 1520s, pictures of its daily round of religious ceremonies, its bellman, its obsequies and anniversaries of the dead, of the great candles burning over a tomb, of its cockfights. Also the lists of names of executors, feoffees and (in the will) of witnesses give an idea of the established political and religious hierarchy of the town and surrounding countryside. Indeed, many of these names are still in use today, in the names of areas and districts in the locality, eponymously recalling the identities of the families who were formerly their overlords and owners (*see note 42*). Some of these characters have specified parts to play in the founding and maintenance of the school, the Abbot of Whalley, the Parson of Warrington, the Ordinary of Chester, the Warden of the College of Manchester.

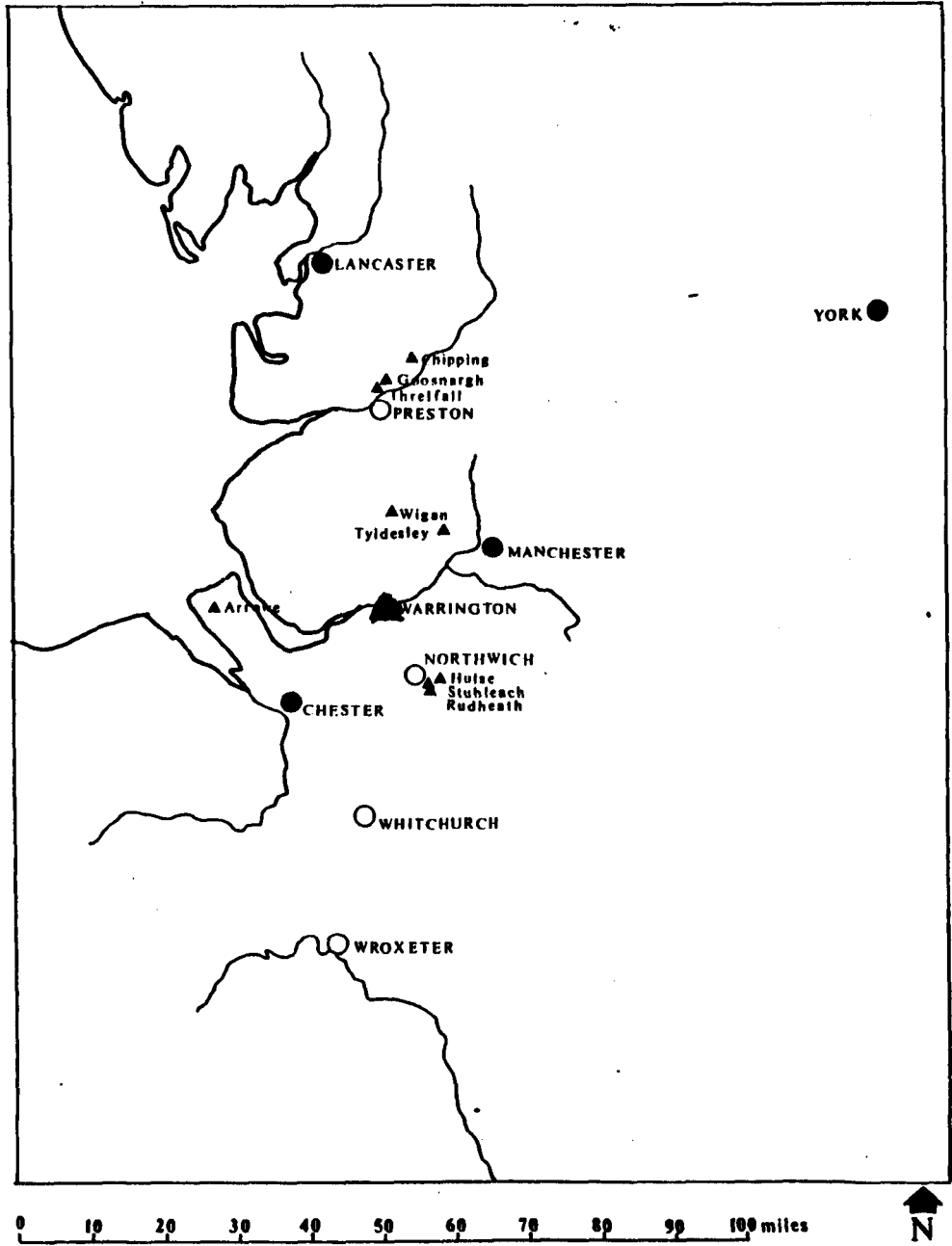
The Codicils

By two codicils in Latin attached to the Foundation Deed, the extent of the lands and buildings provided for the maintenance of the school was recorded. In them, Sir Thomas's executors enfeoffed and granted to the feoffees the estates that had been acquired. The codicil of 16 Apr 1526 records possession of lands and tenements in Tildesley, a house in Warrington, lands and tenements in Wigan, Arrow, Goosenargh, Threlfall and Chipping.

The codicil of 6 Feb 1527 records the possession of a house in Kirk [Church] Street in Warrington, "commonly called the Priest's Chamber", lands and messuages in Hulse, Rudheath and Stubleach "in the county of Chester".⁷⁴ The Priest's Chamber was to be the schoolmaster's dwelling-place.

Map III shows the locations of the lands and properties bought for the maintenance of the Free School of Warrington by 1526/7.

The Properties of the Foundation[^] 1526/7



MAP III

PROPERTIES OF THE FOUNDATION, 1526/7

Chapter III

1526 - 1619

CHAPTER III

1526-1619

The Early Years of the Free School

The period 1526 to 1619, in a review of the management and administration of the Free School of Warrington, may be considered in three stages. The first, 1526-1586, covers the early years of the school and its management and the events leading to the decline and fall of the House of Boteler, with the death of the last male heir of that family in 1586 and the passing of the Boteler lands into other hands. In view of the close connection between the school and the Boteler family, such a dynastic collapse inevitably had damaging effects upon the school, so that the next period, 1586-1610, saw such a decline in the conditions of the school that its very existence was threatened and a refoundation was required. The review of this period consists of an examination of the causes of that decline and of a detailed record of the legal processes in the Duchy Court of Lancaster by which an attempt was made to restore the lost lands and revenues of the foundation and to prevent a recurrence of such mismanagement.

The period 1610-1619 is dealt with by a review of the decade immediately after the re-foundation of the school.

The orders and decrees governing the conduct and management of Boteler's Free School had created many bonds between that school and the Boteler family, the routine of daily prayers for the Founder and his kin and attendance at the parish church and the school's part in the anniversary of the Founder's death.

The schoolmaster himself, always to be a priest, was to be involved in those religious ceremonies and duties. The underlying object was to ensure prayers for the souls of the Founder and his kin. The most important provision, of a practical kind, lay in the reservation of the right of nomination and appointment of the schoolmaster to the "heirs of his [Sir Thomas's] body" or to his "rightful heirs". In the event, the decline of the School followed after the decline and demise of the Boteler family so that, by 1607, it was reported of the School that it was then "in greate ruyne and decay". With the death of Edward Boteler, who died without issue in 1586, the Boteler dynasty came to an end; the barony of Warrington and its estates passed into other hands. The right to nominate and appoint the schoolmaster became an issue of dispute. The school building itself was in a ruinous condition. Most of the lands intended for the support of the school had been lost. Clearly, an act of refoundation was required in which the original conditions could be considered and re-applied.

According to the provisions of the Foundation Deed, the school began in its own building in Bag Lane, (see Map IV), the schoolmaster being Sir Richard Taillior¹, who held that office for about forty years and had "an extremely important influence on Lancashire education". He was "a violent, quarrelsome and disobedient priest whom the church courts could not control". On one occasion he was one of three Warrington priests ordered by the church authorities to repudiate their wives on pain of excommunication. He was called again before the consistory court for "frequenting the woman he had married".² It is reasonable to infer that his long tenure gave the school, as a newly formed social institution, a crucial period of stability in its early formative and critical years. It may also be suggested from the foregoing that his independent personality

contributed to the character and ethos of the newly-created School. Evidence of his presence in Warrington is found in the record of Bishop John Bird's visitation in the entry: "Dorn, Richard Taylyor"³. He was still master of the School on 20 Dec 1569, when he renewed a lease for ten years on part of the foundation's estates in Wigan⁴, and it is possible that he continued as Master until 1576.

Taillior's mastership extended into the reigns of four monarchs, Henry VIII, Edward VI, Mary, Elizabeth I, which included the Reformation, through the turbulence of which, like other schoolmasters in the area, at Burnley, Chester, Kirkham, Whalley, and Winwick, he survived.⁵

In *Valor Ecclesiasticus* the School was incorrectly recorded as a chantry school, the entry for 1534 being: "*Cantaria cum libera schola apud Warryngton*" ("a chantry with a free school near Warrington").⁶ The entry then lists briefly the lands left in the will of Sir Thomas Boteler for the support of the School. (The entry records also the existence of a chantry in Warrington founded by Sir Thomas, with Robert Hall as chaplain.)

In 1546, the Chantry Commissioners of Henry VIII reported on the chantries in Warrington but no mention was made of the School "in spite of the elaborate chantry provisions in the foundation deed".⁷ The school had from the beginning been housed in its own building, unlike many such schools, which were held in the churches containing the chantries. It may, therefore, not have been connected with the Warrington chantries. (A reference in the will of William Plumtre, clerk, makes a clear distinction between Robert Hall, the chantry priest of Boteler's chapel, and the schoolmaster.⁸)

Thus, under its first schoolmaster the School had passed successfully through the reigns of three monarchs and entered that of a fourth and had been untouched by the Chantry Commissioners.

During Taillior's tenure, the Boteler family had passed through many vicissitudes and was itself in a state of decline. The names of successive Lords of the Manor are recorded in Plates I and II, the latter being from William Flower's *Visitation of Lancashire*, 1567⁹, to which additional notes have been added. Since three of the Lords of the Manor were called Thomas Boteler, the Roman numerals I, II and III have been added to their names on the tree as distinguishing marks. Thus, Thomas Boteler (II) succeeded the Founder of the Free School in 1522 and died in 1550. Thomas Boteler (III) held the barony from 1550 to 1579, when he was succeeded by his son Edward who died in 1586 without issue, thus bringing the Boteler dynasty in Warrington to an end. The period 1522-1586 was a complicated litigious time, with strife both within the family and with other noble families, mainly over matters of money and land.¹⁰ The period generally shows a decline in the fortunes of the Boteler family. None of the Founder's successors gave evidence of sharing his interest in education.

The Founder's son, Sir Thomas Boteler (II), the sixteenth baron of Warrington, carried out the wishes of his father and established the school in a building in Bag Lane (more probably, Back Lane), opposite to, and at the short distance from, the parish church with which such close ties were formed in the foundation deed (see Maps II and III). In 1533-4, he was appointed Sheriff of Lancashire.¹¹ During the period 1530-35 he was in debt to the king for almost £4,000.¹² His ability to manage money was clearly in doubt. In addition, he resorted to moneylenders. His first marriage ended in divorce and he subsequently married Elizabeth, daughter of Sir Edward Sutton, Baron Dudley, thus forming the relationship between the Botelers and the powerful Dudley family by which Edward Boteler was to claim kinship with Robert Dudley, Earl of Leicester, who

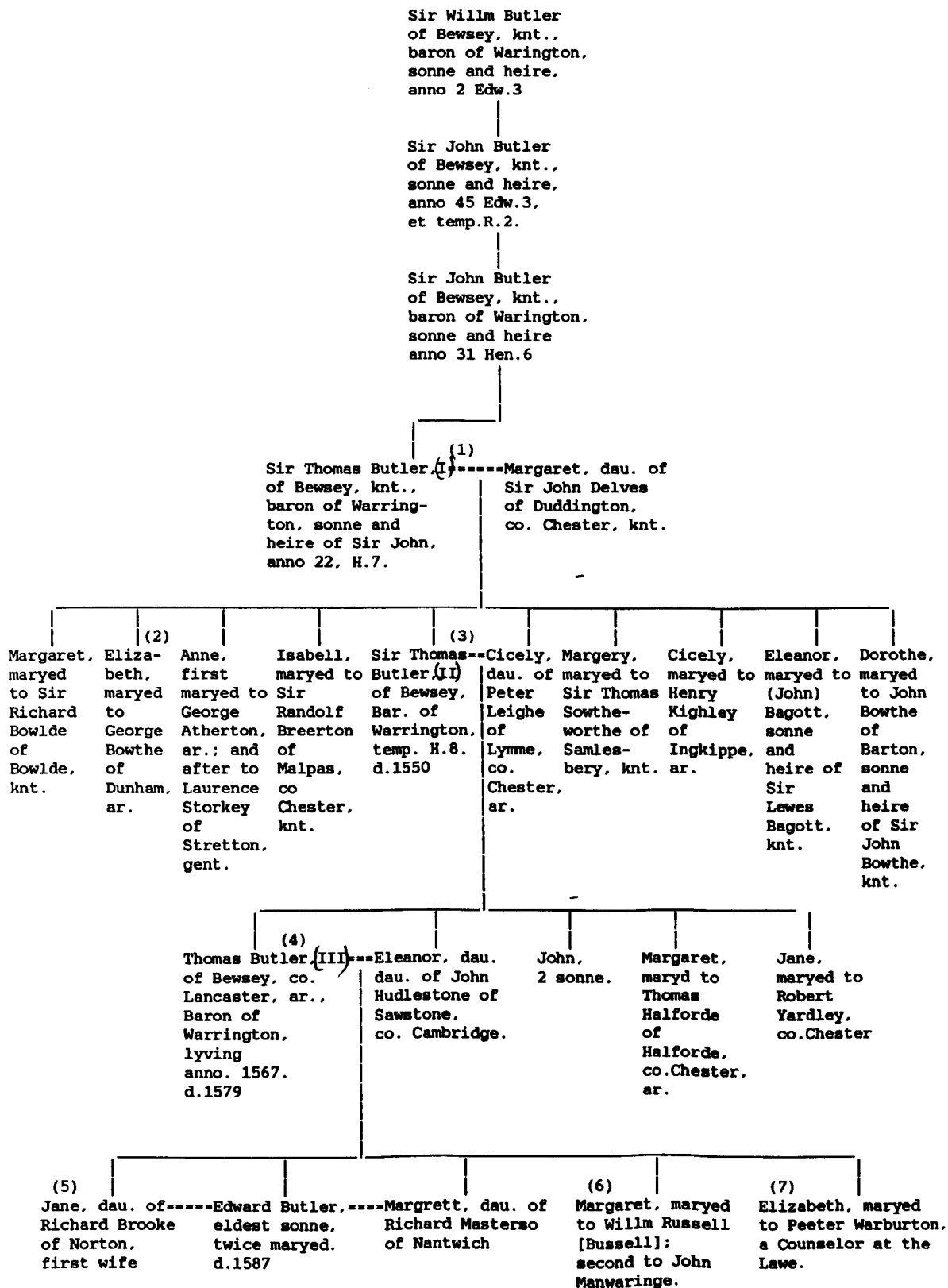


PLATE II

WILLIAM FLOWER'S VISITATION OF LANCASHIRE (1567) with additional notes

PLATE II

Additional Notes on Extract from William Flower's
'Visitation of Lancashire' (1567)

- 1) Sir Thomas Boteler (I) Founder of the Free School of Warrington.
Made will - 1520. Died 1522.
- 2) Elizabeth, daughter of Sir Thomas Boteler (I). Married George
Boothe, thus forming the connection with the Boothe family.
- 3) Sir Thomas Boteler (II) died 1550. Second marriage to Elizabeth,
daughter of Sir Edward Sutton, Baron Dudley, thus forming the
connection with the Dudley family from which the Earl of
Leicester was connected: (Part I. Note 18).
- 4) (Sir) Thomas Boteler (III) died 1579.
- 5) It is unlikely that this marriage progressed beyond the state of
the contract, arranged in Edward's youth.
- 6) Margaret Butler who, with her husband, claimed possession of
lands intended for the support of the free school.
- 7) Elizabeth Butler who, with her husband, worked for the
restoration of the school.

eventually gained possession of the Boteler estates. It was also during the era of Sir Thomas Boteler (II) in 1543 that the Rector of Warrington leased the rectory (*i.e.* the rectory, glebes and tithes) for 200 years to the patron of the living (*i.e.* Sir Thomas) at a rent of £20 a year, thus considerably reducing the value of the living. This arrangement gave some excuse in later years for the living and the office of schoolmaster to be held in plurality.¹³

He was succeeded in 1560 by his son, Thomas Boteler (III) who was, in turn, made High Sheriff of Lancashire in 1570 "because he was not given to the old faith"¹⁴ (whereas other local nobles were), and in 1571 he became one of the two members of Parliament for the county. Relations between Sir Thomas and his son, Edward, deteriorated to the point of a rift in 1578, for Sir Thomas was fearful as to what would happen to his lands if they were to pass to Edward, who had already (1575) made provision that, if he died without heir, his lands to pass to his kinsmen, the Booths¹⁵. Sir Thomas (III) then filed a suit in the Duchy Court concerning the Boteler patrimony, for he feared that if he left the land to his son, Edward would "make it away".¹⁶ These two pieces of litigation illustrate the nature of the relationship between father and son.¹⁷ There was also the danger that the school's lands might be included in such transactions. Sir Thomas Boteler (III) died 22 September 1579 and was survived by his wife, his son, Edward, and two daughters, Elizabeth and Margaret. His daughters, with their respective husbands (Sir) Peter Warburton and John Mainwaring, were to play leading parts in the re-foundation of the school. He was succeeded in the barony by his son, Edward.

Edward Boteler held the barony of Warrington from 1579 to his death in 1586. Between 1581 and 1584 he signed a series of deeds, making over the succession of all the Boteler estates to Robert

Dudley, Earl of Leicester, with whom he claimed kinship. These deeds were required as security for the considerable debt into which Edward Boteler had fallen. By a deed of 17 May 1584, Edward Boteler "had in his lifetime stripped himself ... of his whole inheritance; and therefore there was nothing left to descend to his heir, nor no relief to be paid either to his superior lord or to the crown."¹⁸ His will shows the extent of his impoverishment.¹⁹ He died without issue, so that his two sisters, Elizabeth and Margaret were sole remaining "heirs of his blood" and co-heiresses of the Founder, a claim which carried the right to nominate and appoint the schoolmaster. His lands passed to Leicester who soon sold them. In 1597, the barony of Warrington was acquired by Thomas Ireland, who was to be involved in the refoundation of the school.

During the foregoing period (*ie* 1526-1587) the school had two schoolmasters, of whom the second was John Wakefield whose name first appears in 1576 when he joined with the trustees in an assurance of the school's lands. His origins are unknown. It has been suggested that he was at Oxford in 1572.²⁰ He was clearly on personal terms with Edward Boteler who named him as one of his executors and left him forty pounds in his will.²¹ His signature appears on two of the school receipts listed in Appendix III. He was buried at Warrington on 30 May 1605.²²

During Elizabeth's reign, the school had lost most of its lands to Margaret, one of the great-granddaughters and co-heiresses of the Founder, and to her husband, John Mainwaring²³, who claimed these partly under a grant from Queen Elizabeth as chantry lands concealed from the Crown, partly under a lease from Sir Thomas Gerrard, the last surviving feoffee, and partly by collusion with John Wakefield, the schoolmaster.²⁴ Margaret Mainwaring also claimed the right to nominate and appoint the schoolmaster.

It has been suggested that Margaret Mainwaring's claim to school lands may be regarded as the action of a "disappointed heir" who felt that she was claiming what she regarded as being rightly hers.²³ Her claim might have been further justified by the fact that her father (Thomas Boteler III) "being in fear that his son and heir, Edward Boteler, would dissipate his patrimony", shortly before his death, made a lease of the whole of his estate to his daughter, Elizabeth, to begin from the death of his son, if he was without issue. This was precisely the situation at Edward Boteler's death.²⁶

Margaret Mainwaring's claim to the right of presenting and appointing the schoolmaster may have been stronger than her claim to Boteler's lands, since she was then clearly an "heir of the blood" of the Founder.

In addition to the loss of lands, some tenants were claiming concessions with their rents, *i.e.* they were claiming the same concessionary rents as those set in 1526. It is not surprising, therefore, that the school was said to be "in greate ruyne and decay". It was at this time that moves were made to remedy the situation which clearly called for an examination of the original terms of the foundation, a comparison with the situation at that time, and recommendations for whatever corrections were needed. There were four principal issues requiring examination: the restoration of the school's lands and properties and the repair of the schoolhouse, the appointing of feoffees, since only one of them then remained, together with a statement of their responsibilities and duties, the clarification of the right to nominate and appoint the schoolmaster, and a review of the rents and leases of the lands and properties. This was the work which was undertaken in the re-foundation of the school.

The state of decay of the Warrington School at the end of the

sixteenth century illustrates the way in which the provisions of a founder could be frustrated by circumstances which he could not reasonably have anticipated.

The Founder had planned within the context of the "old religion", whereas his own family had taken to the "new religion". Religious observances for which he had provided had come to be regarded as superstitious. There had been a "rising tide of disbelief" in masses for the dead, the cult of the Virgin and the Saints, and, particularly, in Purgatory "which underlay all chantry foundations".²⁷ Thus the charitable provisions of the Foundation deed were no longer relevant and the contribution of the School in the observances of the Founder's obit, a function which might have provided the Boteler family with a reason for maintaining the School, was then obsolete. Indeed, it has been suggested that the School avoided the attention of the Chantry Commissioners by "the simpler process of neglecting the superstitious observances enjoined by the Foundation Deed". The same writer concluded his analysis of the School's dilemma by suggesting that " ... Perhaps the patrons claimed a share of the booty [*i.e.* the charitable contributions etc.] ... At all events, we find that by the end of the sixteenth century they had contributed, to a considerable extent, to defeat the benevolent designs of Sir Thomas Boteler".²⁸

The processes of spoliation at Warrington had involved the very people who should have safeguarded the School's welfare, *viz* the last remaining feoffee (the provisions for appointing new feoffees had been ignored), and Wakefield, the schoolmaster, on whose integrity the Foundation provision had vested the authority for the management of the estates. Edward Boteler, the last in direct line from the Founder, and hence the Patron, had connived in the disposing of the School's lands. His sister's acquisition of those lands, gained in

collusion with those custodians, might be regarded as the action of a "disappointed heir" (as has been suggested), especially in view of the loss of the Boteler estates to men outside the family, lands for which she might have entertained hopes.

Her actions were by no means unique; they were part of a widespread practice of the times. At Malpas school, founded by Randal Brereton, a son-in-law of Thomas Boteler (I), the school had "collapsed" because Sir Roger Brereton had resumed the lands and tenements which his father had assigned to the support of the schoolmaster.²⁹

A similar case occurred at Repton, where, there being no male heir, the founder's three daughters (one of whom was married to Sir Thomas Gerrard of Bryn, mentioned above) "promoted frequent suits claiming a beneficial interest in the endowment". In 1575, following litigation, their three husbands had to be bought off; Sir Thomas Gerrard was given a lease for 50 years "of the Lancashire lands of the school".³⁰

Nationwide, protection against founders' heirs was having to be sought from Parliament.³¹

At Warrington, there was the additional factor of the tenuous connection with the Dudley family which, combined with the weakness of Edward Boteler's character ("this weak and capricious youth"), led to the downfall of the Botelers, thus removing any hope of dynastic support. It was against this changed background that the re-foundation of the Free School took place.

The Case Before The Duchy Court of Lancaster

The work of re-forming the School of Warrington was undertaken by Elizabeth Boteler and her husband (later Sir) Peter Warburton, whose second wife she was. He was a member of the Warburton family of near-by Arley in Cheshire and was knighted in 1603. He was Queen's attorney for Lancashire and Cheshire, serjeant-at-law, and a judge in the Court of Common Pleas. Of him, W. Beamont has written: "Next to the founder he was the greatest benefactor of the grammar school and by his energy, devotion and professional skill he rescued its estates from misappropriation and restored them to the school."³²

These two had registered pleas in the Duchy Court of Lancaster against Sir Thomas Gerrard, "sole surviving Trustee". In 1597/8, they were claiming "Messuages and lands conveyed to Trustees for the support of the Free Grammar School at Warrington". The places named were Warrington, Tildesley, Wigan, Gosenarghe, Threlfall, Chipping, Winwick and Leghe in Lancashire and in Gropenhall (*ie* Grappenhall) in Cheshire.³³ In 1598/99, in another plea, the "matter in dispute" was "Illegal granting of Leases and Estates of the Lands belonging to the Free School, and Nomination of the Schoolmaster". The places involved were: "Warrington Free School, Wigan, Arrowe".³⁴

In 1601 Sir Peter Warburton filed a Bill in the Duchy Court of Lancaster against John Mainwaring and his wife and it was from this Bill that the business of the re-foundation of the School began.³⁵

The following list is a register of the documents which record the stages by which the decrees of the Duchy Court of Lancaster concerning the re-formation of the Free School were effected³⁶:

Doc (i)	20 June 1607	Decree of Duchy Court of Lancaster
Doc (ii)	4 May 1608	Indenture of feoffment
Doc (iiia)	(4 April 1610	Memorandum of livery of seizin)
Doc (iiib)	(4 April 1610	Indorsements on feoffments)

Doc (iv)	2 July 1610	Commission calling for Inquisition at Warrington.
Doc (v)	11 Sept 1610	Report of an Inquisition held at Warrington.
Doc (vi)	11 Sept 1610	Orders and Decrees set down at Warrington subsequent to Inquisition.
Doc (vii)	22 Nov 1610	Establishment of the Orders and Decrees of 11 Sept 1610.

Consequent upon a bill filed in the Duchy Court by Peter Warburton against John Mainwaring and his wife for the restoration of the lands of the Free School of Warrington, an inquiry into the complaint was set up at Warrington by the Commission of Charitable Uses, but such was the intransigent behaviour of John Mainwaring that the Commissioners requested that the matter be transferred to the Duchy Court. This was duly done and resulted in the Decree of 1607 (Doc i), by which time the two sets of contestants had come to a private agreement for a settlement which was submitted to the Duchy Court. The Inquiry of the Commission of Charitable Uses came to an end (Doc i). Documents (ii), (iiia) and (iiib) record the effecting of the agreement of the two parties, mainly concerning the return of lands and the appointing of feoffees, and various other arrangements for the management of the school. Being so far away from Warrington, the Duchy Court wished to know the extent to which their orders and decrees had been complied with, and so they issued a Commission for an Inquisition (an enquiry) to be held at Warrington (Doc iv) which was duly set up and reported on 11 Sept 1610 (Doc v). Subsequent to the report of this Inquisition, the Commission of Charitable Uses issued a Decree of Orders and Decrees for the management of the free school (Doc vi) which was virtually the statement of the re-foundation. These decrees and ordinances were ratified by a Decree from the Duchy Court on 22 Nov 1610 (Doc vii).

Each of these documents is now individually examined.

The decree was issued on 20 June 1607 as the result of a "cause" between Sir Peter Warburton, plaintiff, and John Mainwaring³⁸ and his wife, Margaret, defendants.

The decree first summarised the circumstances leading to Warburton's "Instance and request" which had, in its turn, led to the setting up of a Commission "upon the statute of Charitable Uses" to enquire into the eventual use of "landes tenements and hereditaments" which had been given by Sir Thomas Butler "to and for the maintenance of a free Gramer Schole in Warrington". Although the commission had not reported, it had become clear during its proceedings that certain lands intended for the maintenance of the "free school of Warrington" were in the possession of John Mainwaring, the defendant who claimed a grant of "diverse parcells of the said Schoole landes "in Arrowe and Rudheath from the "late Queene Elizabeth", as concealed lands and also a lease from Sir Thomas Gerrard, "beinge the surviveinge feoffee" of the "lands tenements & hereditaments given to the said Schoole" including the lands and tenements in Gosenergh, Chipping, Tyldesley, Wigan. At this point, because of the obstreperous behaviour of Mainwaring, the work of the Commission stopped³⁹ and Warburton brought the bill of complaint into the Duchy Court, so that the truth of its contents might be examined and the original purpose might be restored.

In reply, the defendants claimed the right of Margaret Mainwaring to have the nomination of the Schoolmaster since she was "heire of the body of the said Sir Thomas Butler the first founder". John Mainwaring continued to maintain his claims, but he and his wife indicated their willingness "of their owne voluntary and free will offer to convey and assure all the said lands tenements and

hereditamts to such ffeoffes as by the Chancellor and Councell of this Courte shalbe liked of to the use of the said schoole for ever and for the maintenannce of a schoolemaister there". Warburton denied that the Mainwarings had "any title to any parte" of the school lands "by force of any concealement or pretended lease".

The two sides had, however, demonstrated to the Court that they were working for the benefit and good of the school. In addition, they had agreed between themselves "how and in what sorte the said lands should be demised⁴⁰ and the fynes⁴¹ thereof converted and ymployed whereupon diverse mocons⁴² have been made on either pte in this courte." Accordingly, the Court thought it "fitt and good for the said schole" that the two sides should agree between themselves "how and in what sorte the said lands may be assured to the said Schoole as neere as may be agreeable to the true meaninge of the said founder."

The Decree had up to that point been reviewing and reporting on claims and events. It then turned to providing a solution which was to be built on the agreement which both sides had shown. It ordered the two attorneys, Thomas Tildesley⁴³ and Thomas Ireland⁴⁴ with Sir John Broograve⁴⁵ "as Umpier" to "mediate some end betwixt the said pties for the good of the said schole whoe having taken paynes therein for a quietness⁴⁶ of the possessions of the said Schoole and for the better repayer⁴⁷ thereof being now in greate ruyne & decay, and for the better maintenannce of the Scholemaister for the tyme being."

The decree then set out further requirements for a settlement between the two parties. John Mainwaring and his wife were to have, during Margaret's lifetime, the "nomination and appointment of the said Schoolemaister being an able & sufficient man fitt for that place." On Margaret's death, this right was to pass to Thomas

Ireland, "being now owner of the said manor of Warrington where the said Schoole is founded, his heires and assignes ... ". In consideration of this, Ireland was to pay "the some of tenn pounds" for the repair of the school and also to pay to John Mainwaring "within vi months next ensueing the deathe of the said Margaret xx li".

The Decree then turned to the subject of the return of the lands and properties which had been lost to the school to a group of sixteen governors which it duly named and appointed. John Mainwaring and his wife were required to submit the leases made of the lands in Arrow, according to an agreement made with Warburton, and also "the Inheritannce that the said John Mainwaring claimeth to have or any other to his use or by his meanes or procuremt by force of any concealemt or otherwise" which had not been regained and leased by Warburton were to be submitted to a body of "sixteen governors & theire heires" who were named. These governors were to be chosen, eight from Lancashire and eight from Cheshire. They were men of eminence from the district around Warrington.⁴⁸

Instructions were then given for the treatment of leases. The leases made by Mainwaring for twenty-one years for lands in Rudheath and Gosenerghe were to stand: he and Warburton were "to convey the said lands to the said Governors & their heires". Individual leases were considered among which were those "for landes tenemts & hereditamts in Tildesley" at the request of Thomas Tildesley ("being in respect of the said Thomas Tildesley is heire to Thurstan Tildisley, esque named in the first foundation and ought to have the said lease by expresse wordes therein conteyned"). Accordingly, Thomas Tildesley was granted a lease renewable at intervals of 60 years "for ever" at the "Anncient Rent".

Tildesley was required "for this tyme only" to make a payment of

five pounds towards the repair of the school and a further payment of five pounds to John Mainwaring.

Instructions for other tenants were given. John Sherrington was to have his lease on land in Wigan renewed and was to pay "iii li vis viiid towards the repaire of the said scole." Three others, Sir Thomas Gerrarde of Brynne, Richard Penketh and Thomas Ireland⁴⁹, who had claims on the school's lands were to join with Warburton and Mainwaring "in assureinge of the said messuages landes tenemts & hereditamts in Arrowe & Rudheath & elsewhere in the said County of Chester And in Gosenerghe Chippinge Tildesley Wigan Warrington and elswere in the said Countye of Lancaster."

The Governors were instructed to make leases on school lands. "Ancient rent" was not to be extended beyond the period of expiry or reversion. For every lease of 21 years a fine was to be made "wich shall be kept in a stocke".⁵⁰ The instructions for the administration of this money which reflect experience from the behaviour of the previous schoolmaster are a statement of the schoolmaster's duties. The money was to be used at the instructions of the feoffees: it was to be "imployed for the use of the said Scholemaister who shall attend his charge: And have no dealinge with the settinge & lettinge of the said lands or imploying of the said stocke or otherwise save only with his rente & pencon and the use of the said stocke and the Schoolemaisters house or chamber & the Croftes & backsides in Warrington ... ". Such precautions were taken "because the late deceased Schoolemaister⁵¹ there having a lease from the feoffees did assigne the same to the heire of the founder⁵² contrary to the true intente of the foundacon And therefore to avoyde all misimploymt & abuse that might happen hereafter it is thought fitt & so ordered that the fynes shalbe kepte in a stocke & the use thereof only to be imployed for the increase of the Schoolemaisters

wages."

In conclusion, the report had been presented to the Chancellor of the Duchy Court, Sir John ffortescue and it was decreed that its terms should be followed. The Commission of Charitable Uses was to proceed no further. Tildesley and Ireland, the attorneys of both sides, were charged to see that the terms were carried out and a date was fixed for the completion.

This document is both comprehensive and terse and has a tone of great efficiency. It analyses with insight the problems before it and recognises the causes which had led to the calamitous condition of the school, *viz* the spoliation of the school's lands and revenues. This had been created by doubtful claims on the school's properties and by connivance with the schoolmaster. The claims of the tenants had reduced the income of the school. The absence of efficient feoffees had enabled such maladministration to continue unchallenged. The Decree stated its remedies clearly. There was a demand for the return of the school's lands and for the creation of a new body of feoffees. It gave clear instructions concerning leases and rents. Beneficiaries in those arrangements were to contribute to the repair of the school. It arbitrated in the matter of the right of nomination and appointment of the schoolmaster. In all these matters it had regard to the original decrees and ordinances of the Foundation Deed. It wisely charged the two legal representatives to see that the requirements were carried out by a given date.

In this document, Sir Peter Warburton, Sir Thomas Gerrard of Brynne, Thomas Ireland of Bewsey, John Manwaring of Flookersbrooke and Margaret his wife and Richard Penketh of Penketh, following the orders and decrees in the Duchy Court of Lancaster, 20 June 1607, "and of certain orders made in that court ... concerning the establishment of a Free Grammar School founded in Warrington in 1526" enfeoffed to Sir Randle Brereton and 15 other feoffees "all messuages, burgages, gardens, lands, tenements and hereditaments in Lancashire and Cheshire for the support of that school." The document then rehearsed the list of properties as given in the Foundation Deed, making clear to the feoffees their duties:

" ... they shall give lay out distribute and expend all and all manner of issues profits rents revenues and emoluments arising coming and renewing from the said Burgages [etc ...] ... in and about the maintenance support and continuance of the said free grammar school ... and not to their own use or to the use of any of them or to any other use intent or purpose"

The instructions from the Decree of 1607 concerning the appointment of the schoolmaster were confirmed: John Mainwaring and his wife were to have the nomination during the wife's "natural life", after which it was to pass to Thomas Ireland. They were directed to appoint "a master being a man able to and sufficient for the said school as often as and whensoever it shall happen to be vacant."

The guarantors then appointed as their "lawful attornies" for the execution of their instructions Hugh Whicksted, William Waring and Richard Starkie. The feoffees also appointed their legal representatives.

This act of handing over the schools lands to the feoffees was the collective action of those who had, in one way or another, been

involved with those lands. It indicated a united action on the part of previously contesting parties. By referring to the Foundation Deed, the document established the names and extent of the schools lands and properties. The duties and responsibilities of the feoffees were clearly enunciated: they were not to use the school's revenues for any purpose other than the school. The appointment of attorneys introduced into the management of the school's affairs an element of professional responsibility and supervision.

Doc (iii(a)) Memorandum of Livery of Seisin

Doc (iii(b)) Indorsements on Feoffments

These two documents were added to the foregoing Deed of Feoffment (Doc ii). The first was a record (memorandum) of a formal handing over on 4 Apr 1609 of the right of possession (livery of seisin) of the lands and possessions by the two attorneys named in the previous indenture to two representatives of the feoffees of the Free School. It was recorded that the attorneys entered the "messuage in Bag Lane" and endowed them with the "possession and seisin" of the lands and properties listed in the previous indenture of feoffment.

The "Indorsements on feoffments" were a series of qualifying endorsements in the form of further ordinances to the previous deed of feoffment, which had been made in the "trust and confidence" that the feoffees would "perform and keep as well the tenor effect and meaning of the decrees or orders" in that document as well as the ordinances now being presented in the present one. These ordinances dealt with three main subjects the first of which was concerned with the rights and rewards due to the schoolmaster. He was "to have & enjoy one messuage lying in Bag Lane and a little Crofte adjoyning upon the north syde of the same" in which he was to keep the free school and "for the ease and recreacon" of the scholars. This building which was known as "the scholehouse of Warrington and hath been used for that purpose ev (*i.e* ever) since the foundacon of the said free schole" was to be repaired "from tyme to tyme" with money from the revenues of the lands belonging to the foundation: the schoolmaster was to have a house called the "[priests] chamber"⁵⁴ as long as he held office.

The Deed then proposed a more definite and practical way of ensuring the collection of the revenues of the school: it introduced

a rota system. By this, the eight members from each of the two counties, Lancashire and Cheshire, would be responsible each in turn for the collection of the rents in their respective counties. Thus Sir Peter Leighe was nominated first for that duty in Lancashire and Sir Randle Brereton first for Cheshire. They were also instructed to pay from the rents the schoolmaster "for his wages and stipend" and to see that the school was repaired. Unfortunately, this system does not seem to have been followed for any length of time.

Thirdly, the Deed gave instructions for the "setting and letting" of the foundation's lands. This was to be done by all the feoffees. The "ancient rentes" were to run no longer than their leases, after which new leases were to be made with specified periods according to location. Part of the rent was to be paid in advance "for a fine ... which fines shall be kept in a stocke". The fines were to be employed on the repair of the school, the "Scholemaisters Chamber" and for the yearly maintenance of the schoolmaster, "who shall attend his charge and have no dealing with the setting and letting of the said lands or imployeing of the said stocke save only with his rent and pencon and the use for the said stocke and the scholemaisters house & Chamber & Crofts & backsides" in Warrington.

The principal reform was the revitalisation of the feoffees who were to assume responsibility for the financial administration of the Free School. They were all to be involved in the making of leases and lettings and in a rota system for the collection of rents, in which the schoolmaster was no longer to be involved. They were to be responsible for the paying of the schoolmaster and for the maintenance and repair of the schoolhouse and the schoolmaster's dwelling.

* * * * *

There was a lapse of about two years between the last document and the next, during which the orders of the Duchy Court were to be carried out. The next document called for an Inquisition (a court of enquiry) at Warrington to enquire into the progress made. This inquisition, held on 11 Sep 1610, was followed, on the same date, by a series of "orders and decrees" laid down by the Commissioners of Charitable Uses. After a further brief period, (*ie* on 23 Nov 1610) during which objections to the orders and decrees could be lodged, the Duchy Court gave authority to those orders, there being no objections.

2 July 1610

Doc (iv) Commission from the Duchy Court of Lancaster to Thos. Tildesley and 11 other Commissioners calling for an Inquisition.

This Commission from the Duchy Court, under the King's seal, called for an inquisition to be held at Warrington to enquire:

"of all the said lands and of all & singular the guiftes lymitations assignemts & appointemts had or made to or for the use or maintennce of the said free schole and of the abuses breaches of Trust negligences misemployments not employing concealing defrauding misconverting or misgovernement of any landes tenemts rents prffitts goods chattels money or stockes of money heretofore geven lymitted or appointed or assigned to or for the use of the said schole."

The Commission began with an account of how the matter had been brought before the Duchy Court. Sir Peter Warburton, now one of the "Justicies of the Courte of Comen please" and Elizabeth, then his wife but "now deceased one of the heires of the body of ... Sir Thomas Butler" who " ... did about IX years sithence exhibite a bill into our Courte of Duchie Chamber at our Pallace of Westminster against S^r Thomas Gerrard Knight being the survivinge feoffee to have had a new feoffmt made to other feoffees according to the first foundation which will was abated as well by the deathe of ... Elizabeth as also by the deathe of ... S^r Thomas Gerard ... ".⁵⁵

Accordingly, on the advice of the Chancellor and "Counsell" who willed "the stabilishing of the ... lands for the good of the schole" an enquiry was called for at the end of which Tildesley and the commissioners were "to sett downe such orders judgemts & decrees as that the said lands tenemts Rents pffites goods chatteles money or stockes of money may be duly and faythfully employed to and for the use of the said free schole for which they were geven lymitted appointed or assigned by the donors or founders thereof ... "

The commissioners were to report to the

"Chancellor & Councell of our Duchie of Lancaster in our Dutchie Chamber at our pallace of Westm^r with as much conveyment speede as you can after you have executed this our commission not failing hereof as we specially trust you."

The Inquisition was held at Warrington on 11 Sept 1610.

11 Sept 1610. The Inquisition at Warrington

The Inquisition was held at Warrington, 11 Sept 1610, "by virtue of the last mentioned commission" before "Thomas Tildesley Attorney General for the County Palatine of Lancaster" with five commissioners and a jury "of twelve good and lawful men" who heard the evidence of witnesses and produced a report which set out the following points. First, it rehearsed the details of the lands and properties as in the Foundation Deed which were intended to support the school. Then it dealt with the right of nomination of the schoolmaster: after the death of the executors of Sir Thomas's (I) will, the right had passed to his son, to the "heirs of his body begotten", or, in default of such heirs, to other local officials. (It was upon this point that Margaret Mainwaring had staked her claim since, following the deaths of Edward and Elizabeth, her brother and sister, she claimed to be the sole remaining "blood heir" of the Founder.)

The Inquisition then set out the extent to which the orders of the Duchy Court had been fulfilled. The main contestants, Peter Warburton, John Mainwaring and his wife, Margaret, and others, had legally handed over to Sir Randle Brereton and 15 other feoffees those lands and properties which had been intended "to maintain and support the ... grammar school". It was accepted that the nomination of the schoolmaster should be vested in John Mainwaring and his wife for her life-time and should then pass to Ireland who was by then Lord of the Manor of Warrington.

The Inquisition was thus able to show that at the local level the main requirements of the Duchy Court had been complied with and that the way was clear for a final settlement.

11 Sept 1610 Orders and Decrees set down at Warrington

A decree of the Commissioners of Charitable Uses, dated 11 Sept 1610, laid down a series of orders and decrees based on the proceedings in the Inquisition and other orders and decrees of the Duchy Court which had been concerned in the main with the original terms of the Foundation, as shown in foregoing documents. Accordingly, the decree first confirmed the right of the school to lands and properties in Lancashire and Cheshire, specified in the Foundation Deed and intended for the maintenance and support of the "free school of Warrington", thus placing these lands and properties in the possession of the feoffees of the school.

The feoffees were then charged that they should use the lands and properties "to the use and maintenance of the said free schole". The schoolmaster was "to have and enjoy" a messuage in Bag Lane in Warrington and "a little croft adjoining" in which he was "to kepe the said free schole and for the ease and recreacon of the schollars therein". This building was called "the scholehouse of Warington and hath been used for that purpose ev since the first foundacon & erecon of the said free schole". They were to repair the schoolhouse which had fallen into a state of disrepair⁵⁶ "with the rents and revenues of the lands belonging to the said free school". They were also to permit the schoolmaster to have his dwelling in "the messuage or house ... comonly called the priests chamber" for as long as he held office.

The decree next confirmed the system of collecting rents by a rota in which the members in each of the two counties were responsible for collecting from their own area.

At the time when the legal complaints had been started, the number of feoffees had been reduced to one and he had died during the time of the hearings. Thus the order was given that, when in future the number of feoffees was reduced to six, replacements were to be made. Instructions were given concerning the renewal of leases with special arrangements for certain named tenants. The use of the rents was to remain in the hands of the feoffees who were also to repair the schoolhouse, the schoolmaster's chamber and to pay the master his "yerely stipend and wages". For his part, the master was to "have no dealing with the setting and letting of the said lands or imploying of the said stocke". He was solely to "attend his charge".

The decree next set out the duties and responsibilities of the schoolmaster. On his appointment, he was to assure his nominators that he would "well and truly kepe the said schole & teach & instruct the schollers thereof freely without taking or agreeing to have any reward stipend or scholehyer or any other thing for teaching any scholler ... than the said stipend to be paid by the said feoffees" (There is no mention of the "four pennies" in the Foundation Deed.)

The hours for the school were reduced. There were to be three hours in the mornings and three hours "at the least" in the afternoons, if the schoolmaster's "health will permit". There were no references to the regular daily attendance at the parish church. The schoolmaster "shall every morning together with his schollers use some forme of prayer meete for the purpose geving thanks to God that stirred up the hearte of the founder S^r Thomas Butler Knight to so good a work and likewise at night before they depte." He was required to give notice of "one quarter of a yeres warning" if he wished to leave his position.

The orders then turned to the right of the nomination of the

schoolmaster. Margaret Mainwaring had the claim to this as sole remaining heir of the Founder. Accordingly, she and her husband were to have the nomination for her lifetime, after which it was to pass to Thomas Ireland, then Lord of the Manor of Warrington, and to his heirs, in default of which it was to go to the Parson of Warrington, or, failing him, to the Warden of the College of Manchester. These latter two were named in the original provisions of the Foundation Deed.

The document ended with the signature and seals of the six commissioners.

22 Nov 1610

Decree from the Duchy Court of Lancaster giving
Authority to the Orders and Decrees set down at
Warrington on 11 Sept 1610.

This decree, from the Duchy Court of Lancaster on 22 Nov 1610, gave authority to the Decrees and Orders set down at Warrington, subsequent to the Inquisition held there on 11 Sept 1610. In particular, it maintained the rights of the feoffees to the lands and properties in Lancashire and Cheshire provided in the Foundation Deed of 1526, this being the most important of the issues to be established, since the school's existence depended on this source of income. Next, it gave its authority to the solution that had been provided for the nomination of the schoolmaster which was to pass to Margaret Mainwaring and after her to Thomas Ireland, Lord of the Manor of Warrington and to his heirs. (The advowson of the Parish Church of Warrington was held by the Lord of the Manor and, by association, so was the right of nomination of the schoolmaster.) These two issues, of vital importance to the school, had with the passing of time from 1526 become somewhat obscured, so that it was essential that solutions be found and established.

The decree also traced the history of the plea through its court. It rehearsed the terms of the Foundation Deed and then set out the reasons for the Bill of Complaint laid before the Court by Sir Peter Warburton in 1601 who

"did sue out of this Cort upon the Statute made in the Three & fortieth yeare of the Raigne of our most gracious Lady Queene Elizabeth to redress the misemployment of lands goods & stockes of money theretofore given to Charitable Uses to the intent to have the said lands established to the use of the said ffree schoole according to the meaning of the said Foundation"

The Decree continued with its survey of the history of the

Complaint. At first the Court had set up a Commission in Warrington to examine the Complaint. The defendant, John Mainwaring, claimed:

"the said lands to be the p̄per [*ie* proper] inheritance of ... Margaret his wife by descent from ... Sir Thomas Butler her Ancestor and also claimed the same by Lett^{rs} patent of conceal as lands given to superstitious uses"

But John Mainwaring

"did disturb the execution of the Commission so much that the Commissioners being much troubled desired the Comp^t⁵⁷ that the Title might be first heard & exam^{ed} in this hon^{able} Court for their better direction in their p̄ceedings and thereupon prayed Jo. Mainwaring & Marg^t his wife might be called into this cort"

The proceedings as in the Decree of 1607 were listed with all the decrees and meetings in the foregoing documents which culminated in the Orders and Decrees set down at Warrington (11 Sept 1610) from the Commissioners of Charitable Uses which received authority in the decree from the Duchy Court of Lancaster, 11 Sept 1610. The Duchy Court had given a period during which appeals could be made, but, having received none, decreed that the Orders and Decrees of 11 Sept 1610

"shall stand in full force and are and shall bee established ratified & confirmed ... and that all the messuages lands tenements & hereditaments in the ... County of Lanc specified & expressed in the said Inquisicon⁵⁸ shall for ever hereafter bee & remayne and the rents uses & profits there of shall from time to time for ever bee employed & bestowed to & for the use maintenance of the said free Grammar Schoole for ever according to the Ord^r Judg^{ts} & Decrees"

The Decree confirmed the right of Margaret Mainwaring to nominate the schoolmaster. On her death that right would pass to Thomas Ireland and his heirs.

Thus the re-foundation of the Free School of Warrington was effected. It had been carried out with care and attention to the proper legal forms and formalities by men of eminence concerning themselves in what may have been regarded as a local affair of little consequence nationally.

The Identity of the Schoolmaster, 1605-1619

The master of the Free School from 1605 (i.e. the death of John Wakefield) until 1619 has heretofore not been identified with any degree of certainty. In 1856, J.F. Marsh, in his study of the School and its foundation, referred to an entry in the register of Warrington Parish Church concerning the baptism of a daughter of "Robert Martin, *ludi magister*", but added that this was "perhaps too slight evidence of the person ... having been master of Boteler's Free Grammar School", and he made no firm claim for Martin's tenure of that office.⁵⁹ W. Beamont, in 1883, followed this pointer and found that one of the same name had been "the first settled minister" at Aston Chapel, near Northwich, from 1620 until his death in 1646.⁶⁰ This connection seemingly provided a candidate in the succession of Warrington schoolmasters. Accordingly, L.E. Rees, writing in 1926 on the occasion of the quatercentenary of the School, took the view that Martin "was evidently Wakefield's successor", and that the re-foundation took place during his term of office.⁶¹

J.F. Marsh, however, followed his reference to Martin with the statement that " ... in the year 1608 we find the name of Ottiwell Rynse, described as schoolmaster as witness to the livery of seizin ... I know of no other mention of him."⁶² L.E. Rees, after his reference to Martin, added: "A certain Ottiwell Rynse whose name appears on a deed of 1608, with the title *ludi magister*, may have been an assistant or a *locum tenens*."⁶³

More conclusive evidence concerning the identity of the schoolmaster from 1605-1619 has, however, been found in a bundle of biannual school receipts of the period 1589-1619 in LRO.⁶⁴ This bundle consists of 26 biannual receipts, 1589-1619, which record the receipt of money paid twice a year to the schoolmaster at Warrington

for rent on land at Tildesley which had been bought for the benefit of the School. (This is the land for which rents had been fixed in the Foundation Deed at £3.14.4. per half-year to Thurstan Tildesley.)

A schedule of these receipts is given in Appendix III. On those for 1569 and 1602 the signature is that of John Wakefield, but on the remainder, the signature, as shown on Plate III (which was selected because of its clarity) reads: "OTUELL KINSEY". The enlargements in Plate III B i and ii of the capital R (from the first word in the receipt) and of capital K (from the signature *Kinsey*) demonstrate the difference between the contemporary versions of these two capital letters. (The same confusion is found in the 19th c. copies of the Foundation Deed, in which the name *Kighley* appears as *Rightley*.) It is suggested, therefore, that Marsh's version of "Ottiwell Rynse" was a misreading, since Marsh was probably working from a copy rather than the original. KYNSEY (or KINSEY) is a "Cheshire surname"⁶⁵ and appears on other local legal documents. On all the receipts from 1605 to 1619 he designated himself as "schoulem^r of the free schoole of Warrington" and attached his seal. (These seals may well be the few remaining examples of the seal of the Schoolmaster of Warrington.) On the memorandum to the above-mentioned deed, he is called "schoolmaster". His presence from 1605 to 1619 makes him appear as more than a *locum tenens* or an "assistant", since there is no evidence as to whom he was assisting or temporarily replacing. It is, therefore, reasonable to regard him as schoolmaster of the Free School of Warrington from 1605 to 1619.

Evidence has also recently appeared of the presence of a schoolmaster at Sandbach School in 1579 of the name of Othellus Kinsey, in a list of Elizabethan schoolmasters.⁶⁶ There is, of course, as yet insufficient evidence to claim that these two are one and the same person, but the coincidence of name, profession, area of

Received by me Whitham Linsay, schoolmaster of the free school of Warrington
 in the County of Lancashire, the sum of twelve pence for the year of our lord 1613, of Thomas
 Tildesley of Warrington, in the County afore said, the sum
 of twelve pence. sterling, for one half year's rent, due at the feast of
 St John Baptist, last past, before the date hereof, issuing forth of
 the same lands, in Tildesley, in the County afore said, now or late, in the
 several holdings, or occupancies of John Gaddesby, Esq. of Warrington,
 and Widow Walworth, our former assignees, purchased to the use of the
 said free school. In witness whereof, I the said Whitham Linsay, do hereby
 subscribe my hand, and shall save you, the day and year first
 about written.

By me Whitham Linsay



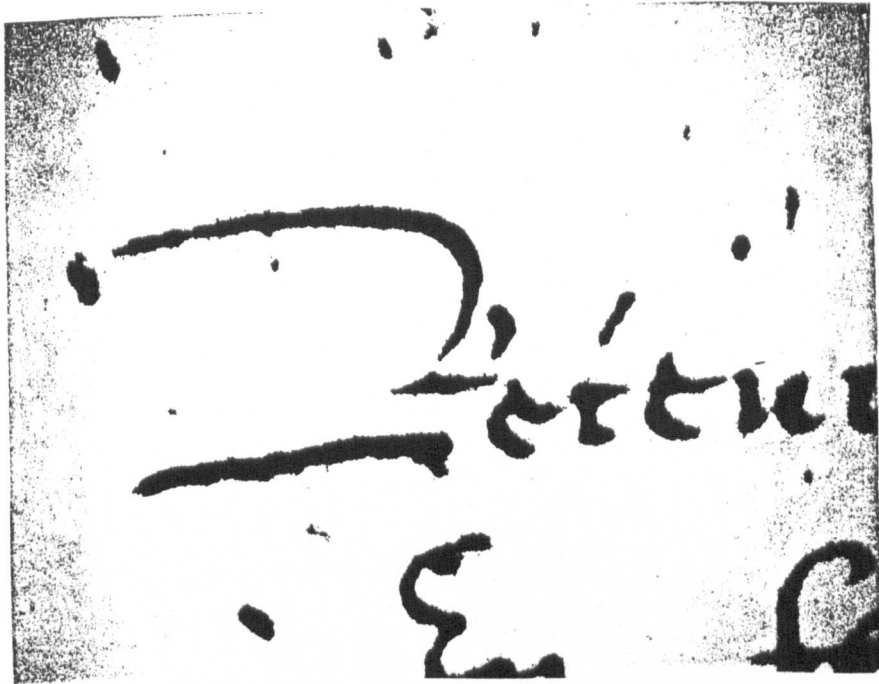


PLATE IIIIB (i)

Enlargement of Capital R

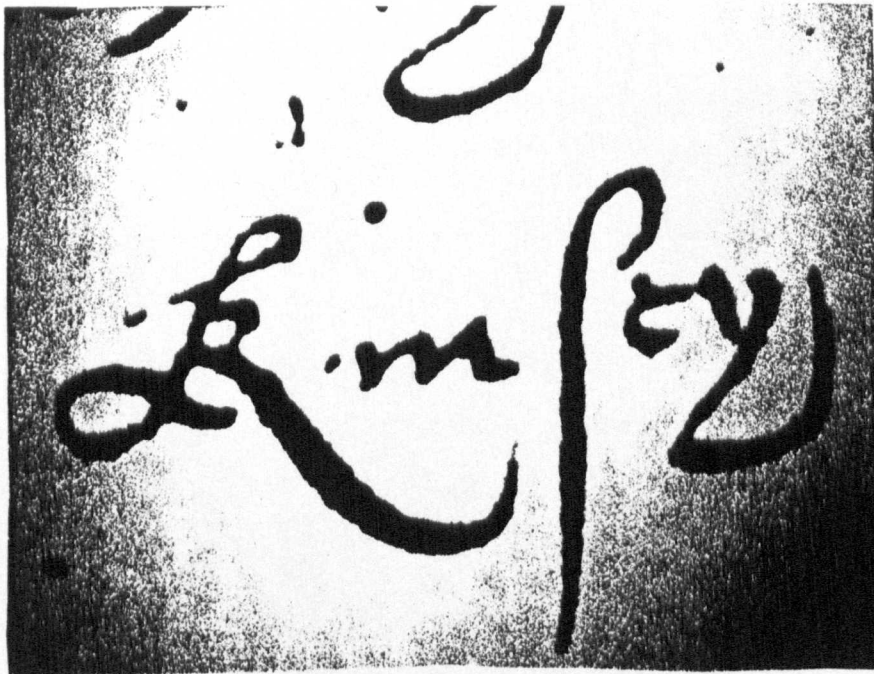


PLATE IIIIB (ii)

Enlargement of Capital K

operation and time-span leaves the avenue for further investigation open.

Chapter IV

1620 - 1757

CHAPTER IV

1620-1757

Introduction

This section of the present investigation, although it is more than 130 years in duration, covers a period in the history of the Free School of Warrington, which, compared with the other sections, might seem, erroneously, somewhat indeterminate and featureless. Unlike the other sections, its documentation and litigation are sparse, yet it is possible to see, in what evidence is available, the way in which the management and administration of the School developed over a long period of time, establishing a *modus operandi*, which culminated in a managerial crisis, latent during the tenure of Edward Owen but evident in that of his successor. In this long period of time, in the exercise of authority, School-master *vis-a-vis* feoffees, the growing influence and responsibility of the former was firmly established.

Historically, the period included the Civil War, the Restoration and the events of 1688.

The year 1620 marks the end of the decade following the judgement of and reorganisation ordered by the Duchy Court of Lancaster and the arrival of a new master, Nathan Ashworth, who was to hold the office for approximately 53 years. Indeed, among Ashworth's successors, Samuel Shaw held office for 31 years, and Thomas Hayward for 37, accounting for a total of 121 years out of the 137 years of this section for the three of them. Thus the state of the School in this period is to be found largely by reference to the personalities and

aptitudes of its Masters, since, as will be seen, they had come to assume the unchallenged right to its management and to the receipt of its profits. The year 1757, also, marked the arrival of a new master, the Rev. Edward Owen, whose written relics contribute greatly to this present investigation.

The Charity Commissioners, in their report of 1828, could find no evidence that the orders of the Duchy Court of Lancaster concerning the making of leases and their prescribed terms had ever been complied with, the Trustees (in 1828) having no documents "from which any information on this subject [could] be derived". Indeed, contrary to the Court's instructions, "the schoolmaster for the time being" had "until within a few years [*ie* 1814] the whole management of the property". The Commissioners concluded that "there is no doubt that for many years past these estates had been let from time to time at the best rent that could be obtained for them". (This arrangement continued until changes were made by the orders of the High Court of Chancery in 1814.) Of the lands in Goosenargh, Threlfall and Chipping, the Commissioners were unable "to obtain any account whatever, either as to their description or locality. The trustees are not now, nor have they been within the memory of any persons living, possessed of lands in either of those places, and it is probable that they have been in some manner alienated, though there is no evidence remaining of such transactions" (*see* Map III). The administration and provision for the School was, therefore, until 1814, almost exclusively in the hands of the various Schoolmasters of whose transactions little evidence has survived.¹

For the greater part of the 17th century, 1620-1673, Nathan Ashworth held the office of Master of the Free School of Warrington. It is probable that he was the son of the Rector of Warrington.² In the parish register, he is described as "*ludi magister*".³ The decree of 1607 had not been complied with, for Ashworth was engaged at all levels in the financial management of the lands and revenues of the Free School. His predecessors had let the School lands on long leases, which had probably contributed to their loss and the poor capital return from them. Ashworth is credited with the method of letting the lands at rack rents⁴ on a yearly basis⁵. Of Ashworth's work in this matter, Marsh has expressed the opinion that " ... as the Trustees do not seem at this period to have interfered with the Charity, it was probably owing to his exertions, in a great measure, that the endowment was preserved"⁶. This last quotation shows the lack of interest on the part of the Trustees which continued until the rulings of the High Court of Chancery, and the extent to which the School-masters were left almost entirely to their own devices in the management and maintenance of the School.

Evidence of Ashworth's involvement in lease-making can be seen in a lease made in March 1653 of a part ("a moiety") of the manor or township Arrowe (*see* Map III), part of the Charity's estates. This was made by "six of the ffeoffees of Butlers ffree Schoole in Warrington", *viz* "Sir George Boothe of Dunham Massey, Bart, Sir Henry Delves of Duddington, Bart, Thomas Stanley of Alderley, Richard Leighe of Lyme, Peter Boulde of Boulde and Richard Massy of Rixton - of the first part". The second party consisted of Gilbert Ireland of Bewsey, and Margaret, his wife, patrons of the Free School and "Nathan Ashworth, M.A., then Schoolmaster". The lease was made to 12

men from Grisby [Greasby, Ches.] and 4 men from Upton. The period was for 21 years and the amount was £100. The money was to be for "the sole use of the school". The document provides names of the feoffees at that time and shows a joint exercise of the duties of patron by the Ireland family⁷.

The practice of granting seizin of land to the schoolmaster, as prescribed in the Foundation Deed but repressed by the Duchy Court, continued, for, on 14 Jun 1624, Ashworth was granted possession of ground on Woolston Moss, a gift to the Free School by Ralph Standish of Standish⁸.

So, in spite of the orders of the Duchy Court of Lancaster, the schoolmaster continued to be involved in the maintenance and management of the financial business of the foundation.

Ashworth's long tenure of office, like that of Richard Taillior, exposed him to radical changes at the national level, in politics and religion, in the Civil War and the Restoration, shifting from Royalists to Parliamentarians and back again, and, like Richard Taillior, he survived and so did the Free School.

In the Civil War, Warrington experienced "real warfare for the first time", for the town was inevitably involved, since its situation as a river-crossing on the road to the north made it "the principal key to Lancashire"⁹ (see Map I). Warrington was held by both Royalists and Parliamentarians, in turn. It was used as a garrison, besieged, subject to barrage by cannons. The bridge was, at one time, partly destroyed by fire as a means of saving the town. On one occasion, Royalists took refuge in the Parish Church; at another time, Cromwell had his headquarters in a building in Church Street. Both these buildings were in close proximity to the Schoolhouse, as is demonstrated on Map IV. Throughout these "blustering times", when the county was "in a combustion", Ashworth

continued as *ludi magister*, as he was designated in the records of the parish meetings which he attended almost without fail, from 1620 until 1668, supervising the accounts and recording the resolutions¹⁰. This long tenure of office gives support to the view that during the Civil War and the Interregnum, in Lancashire and Cheshire, the turnover in Schoolmasters was no greater than usual¹¹.

Nevertheless, the Civil War did create many problems for the schools, one of which was staffing. Some schools (eg Blackburn, Kirkham, Rivington, Stockport) lost schoolmasters because their salaries were not being paid, the result of tenants taking advantage of the "distracted tymes" or of their loss of livelihood because of the war. Ashworth had already dealt with reluctant tenants against whom he started legal proceedings. At other schools, rents were withheld for varying periods, eg at Bury, Oldham, Deane, Mobberly¹².

Difficulties arose for schools from the presence of the military in the area resulting in damage to school buildings and accommodation, the demolition of property and even to the death of a schoolmaster at Barthomley (Ches.)¹³. No such hardships are recorded at the Free School of Warrington and this may be because the main military presence was of the Parliamentary army of which Leach wrote:

" ... the Parliamentary army was well in hand, and none of the soldiers would have supposed that an attack on a school would be regarded as anything but an outrage".¹⁴

On this subject, C.D. Rogers concluded that:

" ... the royalists were largely to blame for much of the deliberate damage to educational property during the hostilities."¹⁵

Ashworth remained in office until his death in 1673. During his long tenure, he had exercised full control over the income and possessions of the School and its foundation, so that, consequently, his successors had no reason to doubt that they had the same

entitlements. This was, in fact, in direct contradiction to the decrees of the Duchy Court of Lancaster.

In the next fourteen years, the office of schoolmaster was held by three men of whom few personal details are known¹⁶. There were, however, in that period two incidents of importance to the administration of the School. In 1675, Dame Margaret Ireland, who held the right of nomination of schoolmaster, died without issue, having, in her will, devised that that right should pass to a kinsman, Richard Atherton. (For details of the history of the right of nomination, see Appendix V. This right of nomination was to be an important part of the case in Chancery in 1810.) At this point, however, it is necessary only to note that, although Dame Margaret Ireland had an acceptable claim to the right of nomination because of the orders of the Duchy Court of Lancaster, there was to be considerable doubt later as to her claim to devise that right.

The second significant incident was that during the tenure of John Wright, the proceedings against the tenants, begun by Ashworth, were successfully concluded¹⁷.

The Tenure of The Rev. Samuel Shaw, 1687-1718.

In 1687, the Rev. Samuel Shaw was appointed Schoolmaster and remained in that office until his death in 1718, thus providing a period of stability to the management of the School¹⁸. He was appointed on the recommendation of Bishop Thomas Cartwright, Bishop of Chester and Rector of Wigan, who had met Shaw, then Schoolmaster of Wigan, when visiting his cure¹⁹. Shaw was appointed Rector of Warrington 1690/1 and held both offices until his death in 1718.

An account of Warrington School, written by Shaw (c.1717), then also Rector of Warrington, in reply to a questionnaire from Francis Gastrill, Bishop of Chester, is a brief but concise statement of how Shaw envisaged the source of the management and administration of the School. The following is a transcription of the relevant part of the ms:

"The free School of Warrington was founded the Sixteenth-day of Aprill 1526 in the seventeenth year of King Henry the eighth, by Tho: Butler Esq. according to the last will and Testament, of Sr Tho. Butler of Bewsy. and lands were purchased for the maintenance of it, the profit whereof hath been rec^d time out of mind, by my predecessors, & now amounts (*communitus annis*) to about 60^l. But I always (since I was master of it) have employed an usher, or two, at mine own charge, which makes a Deduction. The Lords of Bewsy have the Right of the Nomination of the master. The writings relating to the Revenue of the School (I Suppose) are in the hands of the Guardians of Richard Atherton of Bewsey Esq. He being now a Minor."²⁰

In Shaw's understanding, the profits from the lands bought by the will of Sir Thomas Boteler had been intended for the maintenance of the School. Those profits had been received "time out of mind" by Shaw's predecessors and then amounted "one year with another" to about £60. (At Manchester in 1685, the master's salary was £60 and, according to C. Wase, in 1670, the salaries in 50 schools ranged from 1 case with no stipend at all to from £50 p.a. to £80 p.a.²¹) He had, however, employed one or two ushers at his own expense, which had

reduced that amount. He understood that the right of nomination belonged to the Lords of Bewsey and so he assumed that information regarding the revenues lay with the guardian of the Patron who was then a minor. In this account, the feoffees are not mentioned. The only source of authority is the Patron whose recently acquired claim to the right of nomination Shaw did not question. He saw his own right to the profits of the charity as by ancient custom. This was still the working system in 1810 when it was challenged by a case in Chancery. If anything, the system was to harden during the long tenure of the Rev. Edward Owen. (Shaw's account contains the first recorded reference to the use of ushers at Warrington.)²²

This ultimate source of authority in the management and administration of the School is demonstrated on a project early in Shaw's tenure. On 8 Mar 1687/8, the feoffees of Sir Richard Atherton, the patron of the School, "recently deceased", gave Shaw permission to move and rebuild the old house in Church Street (known as the Priest's House and used by the Master) in the following letter²³:

"March y^e 1687/8.

Whereas there is an old decay'd House in the Church Street of Warrington belonging to the Schoolm^r of the s^d Town, w^{ch} by its frequent necessary Repairs is considerably of more expence than advantage to the Present Mast^r and hath tended to the Prejudice rather than Profit of his late Predecessors. Therefore we, James Holte and W^m Bankes Esq^s as ffeoffies of S^r Rich^d Atherton (not long since deceased) do give our free consent unto Sam: Shaw y^e present Schoolm^r to remove y^e s^d House and to affix it to the School and conceiving that this will be convenient (when habitable) not only for the Present M^r but also for his successors, therefore we whose names are foremention'd as Feoffies of the s^d S^r Rich: Atherton do subscribe 40^l towards the Rebuilding thereof to be Paid when the work is perfected. As witness our Hands the day and year above written.

JA: HOLTE
W^m BANKES

(Endorsed)
The order for y^e Removall
of y^e old house in
the Church Street and 40^l
allow'd by Busie."

There is here no reference to the feoffees of the School; the business is directly between the Schoolmaster and the Patron's representatives who expressed concern for the interests of the School, the expense of maintaining an old building with its lack of amenities and the future advantage of making such a move. They further promised a subscription towards the cost of the work when completed. This work was duly carried out; the new building was erected on the site in Back Lane and its removal there was to feature in the Case in Chancery in 1810. This radical enterprise, the dismantling of an old house and the rebuilding of it on another site, was carried out on the authority of the Patron's representatives and by the Master, without any recorded reference to the School's feoffees. The legality of the action was later to be challenged in that it was an unlawful interference with the requirements of the foundation.

In 1690/91 Shaw was presented to the Rectory of Warrington by James Holt, guardian of John Atherton, then a minor, and this office Shaw held in conjunction with the mastership of the Free School, thus being the first of three who held jointly the two offices²⁴. (Again, this joint tenure was one of the complaints leading to the case in Chancery.) In addition to Shaw's personal qualities known to the Patron, who was also the patron of the church, there was a further reason for his selection as Rector. In 1542, Edward Keble, then Rector of Warrington, leased the rectory (*i.e.* rector's house, glebe, tithes) for 200 years to the nominees of the patron (*i.e.* the lords of Warrington) at a rent of only £20 p.a.; this lease ran its full course until 1743, during which time the Rector of Warrington received only £20 p.a. Thus, in 1690, the living was of little value and it was fortunate that so able a priest as Shaw was available and willing to accept the responsibility for the parish of Warrington²⁵.

Further evidence of his qualities was to be seen in his appointment as King's Preacher in 1682²⁶ and later as Prebendary of Chester.

With so many commitments, Shaw neglected neither his ecclesiastic duties nor his scholastic duties. He repaired the fabric and extended the accommodation of the Parish Church, and recorded its rights and possessions in terriers. He was a joint founder of another church in the town of Warrington (Holy Trinity, 1709), although this drew upon his own congregation²⁷. As a King's Preacher, he ministered further afield. He supported the claims of the charity founded in 1697 in Warrington for widows and children of the clergy, in the old archdeaconry of Chester²⁸.

At the same time, he looked after the property of the School both in structure and estate. The removal and rebuilding of the Master's house has already been instanced. At his own expense, he began a lawsuit to assert the rights of the School to retain its possessions and to regain its properties²⁹.

Overall, the impression of Shaw is of one who "must have entered upon his duties, both material and mental, with the vigour of a man of business, which was a part of his character". According to his own testimony, he had sole management of the school with little or no interference from the feoffees. (It will be seen later that Owen stated that there was a conspiracy against Shaw from some of the feoffees, but, unfortunately, he did not provide any evidence of this statement.) Shaw's views on the management of the Free School are relevant to this enquiry. His opinion, in his reply to the Bishop's questionnaire, that the profits of the estate had been received by his predecessors "time out of mind", indicates that he had no reason to think that there was anything amiss with this arrangement; this practice was to continue until changed by a ruling from Chancery. Also noteworthy in Shaw's reply to the Bishop is that the Patron was

the only source of authority mentioned.

Shaw died on 27 Sep 1718 and was buried at Warrington on 30 Sep. His mastership included the Great Rebellion of 1688, but this does not appear to have affected the schools of Lancashire and Cheshire greatly for in those counties only two schoolmasters were ejected as non-jurors, *viz* Richard Croston at Preston and John Pickering at Middlewich³⁰.

The Tenure of The Rev. Thomas Hayward, 1720-1757

The Rev. John Tatlock³¹, who had probably been Shaw's assistant, was nominated to succeed him, but at this point an unusual situation arose: the Bishop of Chester, Francis Gastrell, refused to license him, thereby introducing a new element of authority into the administrative pattern of the Free School. The basic sources for this incident are two letters from the Bishop to his secretary. In the first, dated 5 Nov 1718, the Bishop wrote:

"Mr Tatlock holds the place for Mr Hayward, till he is in orders, but I hope wthout Bond. If upon examination wⁿ he applies for a licence you find he has given Bond, let him have none, and plead my generall order to you for your refusall. I have enclosed the nomination."

It appears from this extract that the Bishop had received the Patron's nomination of Tatlock to be schoolmaster of the Free School which he was sending to his secretary with instructions that Tatlock was not to be given a licence because he was holding the position until Thomas Hayward was in holy orders and could take charge of the School, although Tatlock was not to be informed of this fact. Marsh's view was that this was "somewhat of a stretch of episcopal authority", since there could be "no pretence for treating such an appointment as a benefice". Beamont did not attempt an explanation,

but merely repeated Marsh's opinion verbatim³²

The second letter, which does not appear to have been consulted by previous authorities, was from the Bishop to his secretary, on 4 Dec 1718:

"I wish you to speak to Mr. Atherton* to get a copy of y^e Foundation Deed of Warr School sent up to me as soon as may be. In y^e mean time I have desired Mr. Dod (who called upon me today) to consult Mr Ward** upon two points w^{ch} at present want clearing *viz* whether y^e directions in y^e Found. Deed can be set aside by Mr. Atherton's ancestours; and in whom the Right of Election rests, after a Neglect to nominate for 3 months, on y^e want of nomination upon a vacancy of y^e Rectour & Warden of Manchester."³³

* The Patron of the Parish Church of Warrington and holder of the right of nomination of the Master of the Free School of Warrington.

** Deputy Registrar to the Bishop of Chester.

This second letter contains no direct reference to the Bishop's refusal to grant a licence to Tatlock, but it clearly indicates his concern about possible contravention of the directions for the nomination of schoolmaster at Warrington as laid down in the Foundation Deed, a document which he wishes to examine in its complete, original form. In his first question, Gastrell is concerned about the "directions of the Foundation Deed" which he considered had been "set aside by Mr Atherton's ancestors", *ie* he was questioning the legality of Dame Margaret Ireland's settlement of the right of nomination of schoolmaster to the Atherton family, a question which was to play an important part in the case in Chancery (*see* Chapter VI and Appendix V). The Foundation Deed had directed this right to the Founder's executors in the first instance, then to his heirs by blood, and then in default of them, to his "right heirs" who were to make the appointment within one month; otherwise it was to pass to the Parson of Warrington with the same time provision, and, in his default to the Warden of the College of Manchester. Concerning these provisions, Gastrell posed two questions. First,

was Dame Margaret Ireland entitled legally to settle the right of nomination on a family which had no claim to be regarded as heirs of the Founder, *ie* could the right of nomination legally be alienated? This was, presumably, what Gastrell meant by "setting aside" the "directions of the Foundation Deed", by which, in the absence of "right heirs", the nomination passed to the Parson of Warrington, and, failing him, to the Warden of the College of Manchester. At the time of the query the rectorship of Warrington was vacant.

Thence arose the second question. If neither of these two responded as required, who, then, had the right of nomination? Viewed in this context, Gastrell's refusal to grant a licence to Atherton's nominee may be seen as an attempt to rectify an abuse of the directions of the Foundation Deed, a default which, as a bishop, he could not condone or subscribe to. It can be further added, that Gastrell may well have needed this information and clarification for his great survey of the diocese, the *Notitia Cestriensis*, which included information about the free schools of the diocese, their foundations, endowments and income³⁴.

Gastrell's apparent approval of Hayward's candidature is still without explanation as also is the identity of Hayward's patron. As a result of this situation, Tatlock resigned and Thomas Hayward was licensed to be master of the Free School³⁵.

The Rev. Thomas Hayward, a native of Warrington and former student at the Free School served as Master until his death in 1757, thus holding the office for 37 years. He should have been succeeded by the Rev. James Ansdell who was duly licensed but who subsequently decided to stay in his present post at Hoswell in Norfolk because of an augmentation of salary³⁶. He was succeeded by the Rev. Edward Owen in 1757.

Chapter V

1757-1807

CHAPTER V

1757-1807

Introduction

The period 1757-1807 marks the long tenure of the Rev. Edward Owen as Master of the Free School of Warrington which he held jointly from 1767 with the living of the Parish of Warrington. During this period, he made an outstanding contribution to the administration and provision of the School.

In brief, in the first instance, on his own initiative and at his own cost, he restored and rebuilt the fabric of the School which, on his arrival, resembled the state as described in 1607 as "being now in greate ruyne & decay".

Second, in the documents which he left he provided a contemporary account of the school as he found it and as it was at the time near to his death. In this material, it is also possible to see the problems which arose from the management structure prescribed in the Foundation Deed consisting of the Patron, the Feoffees and the Master and the tensions which ensued therefrom producing a situation which led in 1810 (*ie* 3 years after Owen's death) to the case before the High Court of Chancery which in turn resulted in an imposed settlement which was virtually a third foundation of the school. In the course of this case in Chancery may be traced the tension arising from the clash of interests and personalities which makes a school a unique social institution.

The Rev. Edward Owen¹ was appointed Master of the School in 1757 in succession to the Rev. James Ansdell² by Robert Gwillym³. He was

a native of Llangurig and a member of Jesus College, Oxford⁴. He was previously Usher at Great Crosby School⁵. In 1767, he became Rector of Warrington⁶ and held both offices until his death in 1807, living all this time in the Master's house in preference to the Rectory⁷. It is possible to identify, in an analysis of his mastership, many of the contributory elements in the crisis which followed his death and precipitated the complaints to the Attorney General and led in due course to changes in the school's administration and management.

His first achievement recorded in the DNB is as a translator of Juvenal and Persius which appeared in 1785⁸. (Thus, at the age of 57 and in a life involved with clerical and educational business, he had maintained his academic and scholarly interests.) Of this work it has been claimed that it "has given him [*ie* Owen] a permanent place in classical literature"⁹. His attitude to teaching was, for the age, remarkably enlightened, for in the preface of his book on Latin Grammar, in the new edition of 1800, it was stated that the book had been adopted in various schools where "the masters felt themselves under no restraint from local statutes, or the ascendancy of custom or fashion"¹⁰. His presentation to the living of Warrington was, it has been claimed, "in testimony of respect for his attainments"¹¹. He was president of the Warrington Library, established in 1760, and "took a prominent part in the promotion of the literary and social interests of the town"¹². A contemporary description of him, from an unexpected source, said that he was "a man of most elegant learning, unimpeachable veracity, and peculiar benevolence of heart"¹³. Such was the man whose personal views of and comments on the conduct and management of the school of which he was Master for so long a time are now to be examined in some detail. These biographical notes are here included to assist in the formulation of an estimate as to the validity and reliability of Owen's views and opinions.

This section is an analysis of three documents written by Owen¹⁴ which give a contemporary view of the state and condition of the School at the beginning of his service there and then at the approach to the end of the mastership.

The first¹⁵ note-book is a record of the repairs to the School carried out by Owen at his own expense between the years 1758 and 1790. It is a small note-book, six-and-a-half inches by 8-inches, of eight centrally folded sheets. In his will (LRO c.640) Owen refers to the amounts spent "in making the School House and premises commodious for boarders and improving the School Estates ... as will appear by papers which I leave behind me ... " This ms. is part of those papers.

The cover bears the following inscription:

"Repairs to the School
beginning 1758
according to some [] Receipts which I had the
good fortune to preserve among my old papers and
have now with no small trouble collected.

For inspection of the Feoffees assembled at the
Red Lion.

Aug 3 1790."

Of the condition of the school on his arrival he recorded:

"The school was in ruins in 1757 when I first came to it: the
roof was ready to fall in; and the floors & walls
were all clay."

He then listed annually the amounts paid for the repairs. Sometimes these repairs were for day-to-day maintenance, the work of masons (for "ridging stones"), carpenters, plumbers and pavers. Sometimes the alterations were innovative, as, for example, the amount paid to

" ... Pearson, for making a way into the School from the
house ... £2.10.0½".



MAP IV
PART OF WARRINGTON, 1772¹⁶

Legend:

- A - The Free School
- B - The Parish Church of Warrington
- From A to B by road - 370 yards

There were more ambitious projects:

"1763-1764 .. I turned the stable into a writing School and dining room with two Rooms above, which cost me £50 at least, but of which I kept no account, never expecting to be reimbursed ... "

The entry for 1787:

"Addition to the Garden out of the old road and my own field¹⁶ worth 50[✓] a year: at 30 years purchase",

shows the extent to which the finances of the school and those of Owen had become so mixed that it was difficult to distinguish between these two sources with the result, as will be later seen, that Owen had no doubts as to his rightful claims to the income from the charity estates.

In 1790, the repairs were even more fundamental:

Building a Gable End to the School, putting Sashes in and boarding the floor strengthening the roof ... "

He then recalled an ambition which he never realised. After he was appointed Rector of Warrington, he determined, "in complement to the Atherton family for their generosity in giving me the living of Warrington, to build something that might be permanently useful ... for the purpose of making two wings to the building." He was, however, unable to do this because of those who had interests in building on the site¹⁷, so that he was "obliged to repair all the old premises, in the best manner I could, for immediate use". Nevertheless, Owen made provision for such building in his will as will be shown later.

The total sum spent over the years on the property of the school amounted to over £1,800. The real significance of these accounts is that they demonstrate the extent to which Owen had become personally responsible for the maintenance and improvement of the school's buildings and surroundings. Consequently, he did not doubt that he was entitled to whatever of the charity's income had been paid to him. There is no suggestion that the Feoffees were involved in any

of these undertakings or even that their approval was necessary. Indeed, the remark that the accounts were for the Feoffees' inspection might be interpreted to mean that that was the first occasion on which they had received, or asked for, information concerning the extent of the expenditure. Clearly, the requirement that the Master should restrict his activities to the business of the school in teaching¹⁸ had not been observed. The authorisation of expenditure on building and repairs was to become a major source of tension between Master and Feoffees in the 19th century.

The other two note-books¹⁹ contain further information about Owen's contribution and about the management of the School's financial affairs. Although they do not contain Owen's signature and hitherto have not been attributed to him, there is no doubt that they are his work. The handwriting resembles that in the account book (CRO SL 382/8) and in Owen's reply to the Bishop of Chester (CRO EDV 7/1/213). The format of the mss. and the paper and watermark correspond with those in CRO SL 382/8. For internal evidence, the mss. contain information about Owen's structural work almost word for word with that in the accounts note-book. Marsh (*op.cit.*, p.67) refers to information concerning Owen's work as given in these mss. as being in "Owen's private papers". Although the mss. have been dated officially as "1805", they contain the phrase "the present year 1790". The date "1805" which appears on the back page is part of a financial exercise projected to the year 1805. One of these mss. is a briefer version of the other which contains much additional information. Accordingly, the following analysis is based on the fuller version.

It is difficult to do more than to speculate about the real purpose for producing these mss. In form and content, they resemble documents which had been written as evidence before a committee or

court concerning the management of the charity's estates and income, with special reference to the parts played by the Feoffees and the Master. The treatment is historical, showing how certain arrangements were the product of evolving customs. Thus they contain a summary of the original Foundation Deed of 1526, of the rules and ordinances of the Duchy Court of Lancaster of 1610, and an account of the use of the income. The more detailed ms. contains an examination of the arrangements for the 16th and 17th centuries and finally has a section labelled "Answer" which resembles arguments put before, say, the inquisition of a legal court.

If the date of the selected note-book (CRO 382/18/4) is accepted as 1790, as has been argued above, then this ms. may have been part of notes in preparation for the meeting of the Feoffees at the Red Lion, 3 Aug 1790, referred to in the note-book of accounts. If so, then we have here the first indication of the subject matter for a meeting of the Feoffees.

As has been stated, the selected ms. contains a summary of the Foundation Deed of which two sections are omitted, *viz* the section about play-times and the section about the instructions about the attendance of scholars at church and the instructions for the conduct of the anniversary. Concerning the latter, a marginal note has been inserted: "omitted as being now obsolete and illegal".

The next five sides are a survey of the lands of the charity, *viz* the original foundation estate with the addition of a few later gifts, together with an account of their management and the part played by (or attributed to) Samuel Shaw, former Master and Rector, in their management. There is an implied criticism of the Trustees for their neglect or even self-interest in this management, and of their failure to recognise the contribution of Shaw.

Under the heading *Subsequent Alterations*, Owen listed three

gifts, additional to the original foundation²⁰. But Owen concluded, and this seems to be the essence of his purpose in writing these notes, that, in spite of these gifts, "the rents of the school were so small and so irregularly paid, that the school at different times before the year 1677 was either ill supplied or not supplied at all". Indeed, some of the tenants made such claims "which were likely to be of fatal consequence to the Charity".

He then turned to the year 1677, when Samuel Shaw, the Master, "in pursuance of some instructions given by able Counsel"²¹, the tenants of the lands in Rudheath, Hulse, Shubleach and Arrow "were brought to a compromise" and agreed to give up their claims of leasing upon the old terms and accepted the lands at annual rents "according to a just survey and a moderate valuation"²². These were left to the Master to set at annual rents in the best manner he could; and the masters in succession have done the same to the present year 1790". He was here making a point that was later to be of great importance, *viz* that the Master had a right to claim the rents and revenues of the charity.

The only lands of the charity not included in the above arrangement were those at Arrow which were the most valuable part of the foundation's endowments. They had been leased for periods of 21 years. Later in the account Owen recorded that, after a period of neglect, as a result of which no tenant could be found who was willing to pay even the old rent, a tenant appeared who made such improvements that the value of the estate had risen from £40 p.a. to about £200. It is not clear what action the Feoffees had taken; indeed, this seemed to be the sticking point.

In the same year (1677), Owen claimed that Shaw, the Master (but refer to Note 22) tried to bring the tenants of Goosnargh, Threlfall and Chipping to an account, having found among his predecessor's

papers some evidence of small sums of money received "from certain people there". He was, however, unsuccessful "and the lands have been wholly lost to the school ever since"²³ (see Map III). The lands in Wigan had been set on a lease renewable every 60 years, "contrary to the Founder's will". A long dispute ended in 1710, "since which time the Master has mostly had the setting of them yearly at the full value, as being a small concern of about 8 acres".

The lands at Tyldesley had, Owen recorded, a "clear claim" to an annual rent of £3.14.4. "for ever"²⁴. This claim had been declared forfeited by the Court of Chancery, the tenant "having committed waste upon them". Owen again attributed the initiative for this action to Samuel Shaw. Having paid such tribute to the work of Shaw, Owen gave vent to his feelings in the following marginal note:

"Yet this Mr Shaw was persecuted before his death by the Feoffees under the influence of the great Peter Legh the nonjuror. A certain Feoffee wants to imitate him".

The last sentence implies that Owen felt himself to be similarly threatened, in spite of the obvious contribution he had made to the School's continuing existence.

By this point, Owen had finished his survey of the condition of the charity's estates by 1790.

Although some errors in dating may have been made, Owen must be credited with having clearly demonstrated a general decline in the fortunes of the charity, the result of inadequate management. Some lands had been lost for ever because no effort had been made to collect the rents, a task rightly belonging to the Feoffees. Other lands had been let at unrealistic and uneconomic rents. Some had been so neglected that they had remained for some time tenantless. Whatever had been recovered, in lands or in rents, had been the work of a previous Master who had been "persecuted before his death by the Feoffees". (The emotive language here is inescapable; indeed, Owen

himself felt a similar threat.) Having established the ineffective nature of the Feoffees, Owen turned to consider their duties, for they were the trustees in whom all such lands as "were really recoverable" were invested. According to Owen, the Feoffees had no "restrictions or engagements" except that of "employing the revenues and profits ... for the benefit of the School according to the meaning of the Founder ... for the repair* of the school and the maintenance* of the Master".

He completed this part of his notes by describing the condition of the school in 1757, *ie* the year he became Master there, summarising much of the material which had appeared in his Accounts Book. After pointing out how much he had spent on improving the state of the school, making it fit for "the genteel reception of Boarders (which it never was before)" from his own private fortune, he maintained that he had done all things as they were intended by the Founder. Thus, he understood that he [Owen] "has a right to all the issues* ... of the school lands according to their present improved* values, so as not to prejudice his successor, and that the Feoffees cannot justly reduce him to any stipend they may arbitrarily choose to give, much less to the £10 a year which was thought a sufficient maintenance in the Founder's time"²⁵. This last quotation would seem to be at the nub and purpose of Owen's work in the note-book, *viz* a just and strongly felt claim to the "issues" of the charity's lands since they had resulted largely from money which he had provided from "his own private fortune". There is here a strong sense of the antagonism which he felt towards the Feoffees and which becomes more evident in the next section of the note-book.

* The underlinings are Owen's.

The next section of the note-book, under the interpolated heading ANSWER, is reproduced in full with a gloss in Appendix IV, in view of its interest and relevance to the situation in the management of the school and its development after Owen's death.

Owen began this section with a reference to "this case" which "has been perplext", although so far there had been no mention of "a case". It would seem, nevertheless, to have been of such complexity that the suggestion had been made that an Act of Parliament or a new legal decree would be necessary to bring the "case" to fruition. Owen saw the basic foundation of the School simply and clearly: it provided for one Master for whom the office was a free-hold for life or for at least sixty years. The conduct of the School (*i.e.* its management) did not lie with the Feoffees but with the Patron, *i.e.* the Master was answerable for the conduct of the school to the Patron and not to the Feoffees whom Owen regarded as the receivers of the rents and revenues of the charity, the residue of which should be paid to the Master, after the repairs to the School had been provided for. It was also their duty, as he saw it, to lease the estate lands at their full value. Owen regarded any change to this basic arrangement as injurious to the Patron and the Master's rights.

Returning to the duty of setting the lands at the best rents, Owen questioned the rights of the Feoffees to grant leases "for lives or very long fixt terms". Such a power would allow them to perform "such mischiefs" as they seemed to him to be guilty of at that time²⁶. A suggestion is made in the gloss as to what Owen meant by "the purchase without which no future Master can subsist with comfort". If the Feoffees were not prepared to make such a venture, they should at least do what they were empowered to do "and what honour and conscience obliges them to do", *i.e.* lease the lands in Worral (*i.e.* Wirral - the Arrow Estate) at the best possible terms.

The last page of the ms. (the back outer cover, not reproduced) presents a summary of the charity's income projected to 1805, which Owen calculated as being £314.13.0. This included the entry "The Field before the School door purchased with money arising from the Tilsedesley [*sic*] Lease ... 6.0.0.". This may be the "purchase" which Owen was advocating in his notes. Of the total, he wrote: "This £14 will go in the Expenses of collecting and trifling indulgences to good Tenants".

The Rev. Edward Owen's Will²⁷

Of Owen's will, two extracts are reproduced in Appendix IV which are relevant to the management and provision of the School. Two other points from the will indicate something of Owen's generosity. Firstly, he left £30 to be distributed among the poor in Church Street and Back Lane²⁸. Secondly, he had already used £600 "vested in Five Per Cent for the use of the Organist of Warrington Parish Church".

Extract I

In this bequest is another example of Owen's wish to improve the accommodation of the School. He had thought it out in some detail and had already taken some action, for he recommended as the site for the stable a place on the "East Side of the School which I made by filling up an old unfrequented road and making a brick arched Drain thro' the whole length of it to carry off the water from the House and School". This bequest was to feature in future arguments about the Master's salary.

Extract 2

The content of this extract raises the question of the Master's entitlement to the rents and revenues of the charity. First, however, are his instructions to his executors to resist "as far as they lawfully may or can, any claim which the Trustees of Warrington may set up" for a bond of two hundred pounds and the Coalmine rent of five hundred pounds "which I have received", for Owen regarded himself entitled not only "under the Foundation Deed to all the rents, issues and profits of the School lands", but also because he had expended nearly three times that amount "in making the School House and premises commodious for boarders and in improving the School Estates", and he added the note that he had left behind papers to substantiate that claim.

* * * * *

Owen's tenure of office lasted for 50 years; he died in 1807 at the age of 79, still Rector and Schoolmaster. During the latter years he suffered from "incapacity and deafness" and the School seems to have lost "much of its usefulness"²⁹. Thus, in answer to the Court of Chancery, it was claimed that he "being greatly advanced in years did for a considerable number of years before his death neglect or become incapable to perform the duties of schoolmaster"³⁰.

Nevertheless, there can be no doubt as to his outstanding contribution to the maintenance and management of the Free School of Warrington. His personal papers testify to his generosity, both generally to his parishioners and in particular to the School in the repair, maintenance and improvement on which he spent much of his own money without expecting any reimbursement. His accounts of the Schoolhouse on his arrival and towards the end of his tenure show his

energy, commitment and resourcefulness, all qualities which contributed to the School's survival. He was committed to the terms of the Foundation Deed, trying to keep within its orders and decrees, but realised that the negligence of the Feoffees forced him to undertake responsibilities which were not properly his. He saw that the School had survived because of the endeavours of one of his predecessors who had, nevertheless, incurred the hostile animosity of the Feoffees. Thus, the tension between himself and the Feoffees was not a recent occurrence, but one of long-standing. The indifference of the Feoffees to financial matters and his own involvement therein led him to see the School's income as being "in trust for the Master and the School", so that he resented any interference from the Feoffees. Similarly, the appointment and payment of Ushers were entirely his responsibility. Thus the duties of the Feoffees were two-fold: they were to "receive the rents and repair the school" and "to pay the residue to the master as his salary". Other matters concerning the Master belonged to the Patron.

Thus at the beginning of the 19th century, when the Mastership of the Free School fell vacant, the administrative structure as envisaged by Owen was of a Master who exercised overall authority in the management and provision of the School, under the auspices of a benevolent Patron, and a body of ineffective Feoffees. This was, indeed, the situation when Owen's successor took over.

Owen's death in 1807 provides a convenient point at which to compare the state of the Free School at Warrington with the state in the ancient endowed grammar schools nationally, of which a picture of decline and decay has often been presented, showing them to be the victims of falling rolls, sinecures, pluralisms, excess longevity of schoolmasters, decline of income and resources, incompetent or non-existent management, and fraud. A contemporary witness, Lord Chief

Justice Kenyon, commented in a decision in 1795, on "the lamentable condition" to which grammar schools had been reduced, with "empty walls without scholars and everything neglected but the receipt of salaries and emoluments. In some cases ... there was not a single scholar though there were very large endowments to them"³¹. Kenyon's criticism was of some unidentified schools but it has been quoted "by many school historians as evidence of conditions prevailing in the later 18th century"³². Recent work on 18th century schools has attempted to show that Kenyon's criticism did not apply nationally³³.

How far did these conditions apply to Warrington? As a result of Owen's enterprises, as seen in his list of repairs and extensions, the accommodation was better and more extensive than it had ever been. Financially, although some lands of the foundation had been irretrievably lost, the income was such that Owen could predict that in 1805 it could produce, if properly used, "a clear 300£ a y^r". Unlike some foundations in which rents and leases were fixed so that they could take no account of inflation, the foundation at Warrington had no such restrictions, apart from those at Tildesley, which Owen regarded as being no longer valid. Although the Feoffees, as a source of management, had been neglectful, succeeding Masters had exercised competent management of the charity to a degree that was sometimes outstanding.

Although two of the Masters, Shaw and Owen, had also become Rectors of Warrington, neither had neglected their duties to the School, having employed ushers to assist there. Indeed, in Owen in his earlier years, the School had a Master who was also a skilful entrepreneur, a necessary qualification in those days when "a school's success ... depended to a very great extent upon the qualities of the headmaster, who was required to be at least as much an entrepreneur as an instructor"³⁴.

There was, however, the unfortunate fact that by 1807 the number of Free Scholars (*ie* those receiving free tuition under the terms of the Foundation Deed, as distinct from the fee-paying boarders) had been reduced to two or three, a situation which had been contributed to by two factors, *viz* the curriculum and the advanced age of the Master.

The Free School was, in 1807, still a grammar school, teaching classical languages, as was required by the Foundation's decrees. So, like many other endowed grammar schools, it was bound by restrictive regulations suitable for other times, but out of touch with the social and economic conditions of the 18th century. Demands for a loosening of these restrictive practices had been made by individual schools through the expensive expedient of an Act of parliament³⁵. Such a school was Macclesfield where, in 1774, in a bill seeking permission to sell "the ancient School-house and some lands", a clause was included giving permission for the inclusion in the curriculum of "writing, arithmetic, geography, navigation, mathematics, modern languages"³⁶. Demands for changes to the curriculum were, however, arrested by Lord Chancellor Eldon's judgement in the Leeds Grammar School Case of 1805 in which Leeds Grammar School was defined as being "a school for teaching grammatically the learned languages", a judgement which, although specifically referring to Leeds Grammar School, was nationally to have such an effect that, according to one authority, it " ... carried dismay to all interested in the advancement of education and nearly killed half the schools of the country"³⁷. The immediate practical significance of the Leeds case was "that it greatly strengthened the resistance of masters of schools to any attempt by the middle class to introduce curricula changes and discouraged further efforts to transform the grammar schools. No small governing

body could risk the enormous charges involved in a suit in Chancery, especially when judgement was likely to go against them; nor was the more likely course of obtaining an Act of Parliament within their scope"³⁸.

For Warrington in 1807, there was no record of a widening of the curriculum, in spite of strong local feelings.

By 1803, the number of Feoffees had been reduced to 6, so that a further 10 were nominated and appointed by indentures of 3 & 4 Aug 1803. The newly-constituted body took possession of the "messuages, lands, tenements" of the Foundation, which were to be administered for the charitable intentions of the Foundation Deed of 1526 and according to the orders and decrees of the Commissioners for Charitable Uses of the Court of the Duchy of Lancaster³⁹.

Chapter VI

1807-1814

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1807-1814

The Case Before the High Court of Chancery

Following the death of the Rev. Edward Owen in 1807, Thomas, Lord Lilford, in the right of his wife as patron of the living of Warrington and claiming the right to nominate the schoolmaster of the Free Grammar School of Warrington, appointed the Rev. Robert Atherton Rawstorne to both offices¹. The right of nomination of the schoolmaster of the Warrington School had, since the death of Margaret Mainwaring, the last remaining blood relative of the Founder, and the subsequent sale of the Boteler lands, been coupled with the Advowson of the Parish Church of Warrington. (The right to nominate the Warrington schoolmaster, as will be later seen, played an important part in a cause before the High Court of Chancery and was a complex matter which is dealt with in Appendix V.) As has been shown, the last years of Owen's tenure of the office of schoolmaster were far from satisfactory, but no action was taken against him out of respect for him and the anticipation of his eventual demise. The Rev. Robert Atherton Rawstorne², a kinsman of Lady Lilford, proposed to leave the management and conduct of the school to an usher who was to be allowed the use of the school house. Accordingly, he appointed as usher the Rev. William Bordman, who had previously been usher at Reading³. Certain townspeople of Warrington had been disappointed by the last years of Owen's tenure with the consequent failure of the school. They had seen "with regret the gradual decay of the school and had only been deterred from taking active measures by the

consideration that the course of nature must shortly terminate [Owen's] mastership" out of respect for him⁴. Now, at the prospect of the mastership becoming an acknowledged sinecure, twelve "gentlemen⁵, all inhabitants of Warrington", took action as a result of which, in 1810, a bill was filed in the High Court of Chancery on the information of Sir Vicary Gibbs, the Attorney General, against the Trustees of the Free School, Lord and Lady Lilford, R.A. Rawstorne, W. Bordman and T. Blackburne (Warden of the College of Manchester) to test, among other things, the right of Lord Lilford to nominate the schoolmaster and the rightness of the joint tenure of the offices of Rector and Schoolmaster⁶.

The information contained in the Bill gives a clear representation of local attitudes towards the main source of secondary education, the Free School, of which hitherto no general public acclaim is recorded. The signatories themselves were members of the lower local gentry, manufacturers and tradesmen. Indeed, their action represents the first recorded public expression of concern for the fate of the Boteler charity.

The Bill began with a survey of the original Foundation Deed of 1526 and of various deeds of feoffment, tracing the passage of the Charity's lands and estates down to George, Earl of Stamford and Warrington, and his fellow trustees, and concerning itself particularly with previous nominations of schoolmaster, especially the nomination of Edward Owen.

In the building enterprises of Owen was seen a departure from the provisions of the original Foundation. His work of renovation and innovation is accurately recorded up to the removal of the Free School "to another Building ... which had then lately been a Stable in which he [Owen] caused some alterations to be made and such last mentioned Building had ever since been used as the School Room of the

... Charity altho' not so fit for that purpose as the Ancient School Room". In this point, the informants were submitting evidence to show that the unauthorised changes and alterations had not necessarily resulted in improvements. They were equally critical of the deterioration in the substance of the Charity by the demolition of the original Master's residence, the Priest's Chamber, in Church (Kirk) Street, the original site of which had been developed and built on and was then in the possession of John Clare, a carpenter, who had no connection with the Charity.

The information next dealt with the question concerning the right of nomination of the schoolmaster. It stated that " ... none of the issues or Descendants of Thomas Boteler ... were or was at the time of the death of ... Edward Owen or was then living and it was then unknown who was ... Thomas Boteler's right heirs". Yet, on the death of Owen, Lord Lilford, in the right of his wife, nominated and appointed Robert Atherton Rawstorne to the office of schoolmaster "altho' ... Henrietta Maria Lady Lilford was not the right heir or Descendant of ... Thomas Boteler". Rawstorne had also been inducted Rector of Warrington and had not performed "any of the duties of the ... office of schoolmaster, he having instead of so doing employed and then continued to employ William Boardman (*sic*) Clerk to officiate ... as his Usher or Deputy ... and William Boardman had ever since resided in the Dwellinghouse in Bag Lane". Further, Rawstorne and Bordman were "with the permission of George H. Grey, Earl of Stamford and Warrington, and his co-Trustees in receipt of the rents and properties of the rest of the Charity Estates", and these lands were "of the clear yearly value of £600 and upwards ... exclusive of the ... Dwellinghouse in Bag Lane".

The information then turned to the state of the School in the latter years of Owen who "for a considerable number of years before

and until the time of his death greatly neglected the duties of the ... office of Schoolmaster and in consequence thereof the number of Scholars ... for several years preceding his death gradually diminished and at the time of his death the number of such Scholars did not exceed two or three".

Matters since his death (*ie* in a period of three years) had deteriorated still further. This was largely due (it was claimed) to the attitude of Bordman, the usher, who became the centre of much local criticism and hostility. He was accused of unjustly exacting from the parents of scholars "divers sums of money not warranted or allowed by the ... original Foundation Deed as due to him for the expense of fire money and Instruction". It was also claimed that Bordman "had expressly declared he would teach the Latin Grammar only and not English". He expected, it was alleged, two guineas a year from boys coming to learn grammar. As a consequence of such "exactions and declarations, no more than one Scholar then attended the ... Free School", although the population of Warrington and the adjoining parishes "had greatly increased since the founding of the Free School and consisted of many thousands of persons".

The Bill then produced a statement of the intent of the Foundation which was "to no other purpose than the providing a Dwelling for the Master ... of the Free School and a proper Schoolroom for the Scholars and the keeping such House and Schoolroom in proper repair and supplying a competent sum of money for the maintenance of the Schoolmaster since the rents and profits were then more than sufficient for those purposes"⁷. The ideas concerning the use of the Charity's "rents and profits" were further developed. They should be "employed and disposed of so that the Inhabitants of the ... Town and Parish of Warrington and the adjoining Parishes might have the full benefit thereof in the most extensive manner the

same would admit of and as near as might be to the charitable intentions of the Original Founder". Accordingly, the number of scholars ought to be proportionably increased and "Boys as well from the adjoining Parishes as from ... Warrington ought to be received and admitted as scholars ... and ought to be there educated and instructed not only in Grammar but also in such other useful Branches of learning as were best adapted to and most wanted for Boys who or whose Parents were objects of the ... Charity". In view of this, "a proper number of Ushers Teachers and Assistants ought to be employed ... with competent salaries or stipends out of the revenues of the ... Charity Estates ... And a proper School Room or -Rooms sufficiently large and capacious ought to be provided and fitted up and kept in repair out of the Revenues Rents and Profits of the ... Charity".

It was then argued that "under the circumstances" Rawstorne and Bordman "ought to be removed from the ... Offices of Schoolmaster and Usher ... and that some proper person ought to be nominated and appointed to the office of Schoolmaster ... And that Rawstorne and Bordman ought to account for what they had respectively received from the rents and profits from the Charity's Estates".

Concerning the right to nominate and appoint the Schoolmaster, the Court was informed "that the Rev^d Thomas Blackburne was then Warden of the College at Manchester and claimed the right of nominating a person to the office of Schoolmaster". But Rawstorne, Lord and Lady Lilford, and Bordman "insisted that the right of nomination and appointment was vested in ... Thomas, Lord Lilford and Lady Lilford ... or in Rev R A Rawstorne as such Rector and Parson"⁸. Thus, Rawstorne and Bordman "insisted on retaining and applying to their own use what they had already received of the rents and profits of the ... Charity Estates and on receiving and applying to their own

use the future rents and profits thereof".

As the Trustees were reported to have declined to "interfere in the managing or letting of rents and profits" it was "submitted to the court that a proper person ought to be appointed to manage and let such Estates and receive the rents and profits thereof for the Charitable purposes afores^d". This latter point sees the possibility of the introduction into the Warrington situation of a professional administrator.

Jos. Clare claimed to have "some beneficial rights or Titles or interests" in the buildings on the place of the former Master's House (in Church Street), but he "refused to discover in what manner he derived such his rights and interest and in fact he had not any beneficial right title or interest in the ... premises and ought to deliver up the possession thereof as being part of the ... Charity Estates. But which he refused to do".

The Bill prayed answer to the following "several matters":

- that R.A,Rawstorne and W Bordman be removed and some other person be appointed under the direction of the court;
- that necessary direction be given to the future applications and disposing of the Revenues, so that the inhabitants of Warrington and district might benefit;
- that an account be decreed to be taken of all the sums of money received by Thomas Lord Lilford, R A Rawstorne and W. Bordman of the rents and profits of the Estates;
- that they were to have an allowance if the Court thought right;
- that J. Clare was to be ordered to deliver up possession of the "Messuages Buildings aforementioned" and account for and pay as the Court directed;
- that a proper person be appointed to manage let and receive the rents of the Charity.

- that he should dispose according to the Court's orders.

Based on the information in the Bill, a series of 20 questions labelled "Interrogations extracted from the Bill" and in Gorst's¹⁰ handwriting were prepared for the defence of Lord Lilford, R.A. Rawstorne and W. Bordman. This document is reproduced in Appendix VI. These questions isolate the weak points in the case of these four defendants and are constantly referred to in the preparations for the presentation of their defence before the High Court of Chancery. These questions are, in the main, concerned with the following:

(i) Lord Lilford's right to nominate and appoint R A Rawstorne after the death of Edward Owen; this was the first occasion on which he had made the appointment;

(ii) the extent of the income of the Charity, *ie* its real value and its use;

(iii) the extent to which Rawstorne's double appointment prevented him from carrying out the duties of schoolmaster;

(iv) the truth of the complaints which had gathered around W Bordman;

(v) the extent to which the present condition of the school could be attributed to former Schoolmasters, especially Edward Owen;

(vi) the extent of the involvement of others (*eg* T Blackburne, the Trustees, T Clare) in the affairs of the School.

The citizens of Warrington, who had provided the information on which the bill was based, were disappointed that the opportunity, on the death of Edward Owen, for the reform of the Free School, their main hope for free education beyond the most elementary level for their sons, had been frustrated by an appointment which had turned the office of schoolmaster into a sinecure by which the School was being conducted in a manner contrary to the Founder's intentions.

Their case was presented in such a way as to show that many of the Foundation's provisions had been, and still were being, tampered with and frustrated. They questioned Lilford's right to nominate the Schoolmaster and that master's right to the whole of the Foundation's income, which, by increased values over the years, was then enough to provide education for Warrington and the surrounding district, with other, more useful branches of learning than the original provision for Latin.

The Foundation's provisions were being frustrated also by the ineffective attitude of the Feoffees and disinclination to assume their mandatory responsibility for making leases and exercising overall financial responsibility for the School. There was an additional suggestion that Lilford, Rawstorne and Bordman should be required to account for the money already received from the charity.

The demand for a wider curriculum was part of a national movement that the endowed schools should cater for the industrial and commercial expansion of the 18th and 19th centuries.

As the School was providing for only 2 or 3 Scholars, the citizens felt that this number was quite inadequate in view of the population in Warrington of 10,567, according to the census of 1801. They saw that the funds of the charity were being grossly misapplied.

Preparations for the Bill in Chancery

The Bill having been filed in Chancery, it was then the obligation of the Defendants to prepare and submit their depositions. The preparations of Lord and Lady Lilford, R.A. Rawstorne and William Bordman are now examined as they are found in two main sources of information. The first source consists of a bundle of 81 letters written either to or by John Gorst, an attorney of Preston, who was Lord Lilford's legal agent in the north¹¹. The other group consists of legal papers concerned with the Case and assembled by Gorst¹². The second group complements the first in that it usually provides the contents of the legal documents referred to in the letters. From these two sources, it is possible to reconstruct the private and personal reactions and attitudes of the defendants (and frequently of the Appellants) and also the preparations for the presentation of the case before Chancery. The letters cover the period 1810-1818, but more particularly the period of preparation, 1810-1814, and then the application of the orders of the Court, 1814-1818. They present an almost complete picture of the preparations made for the Defendants' case, because, in addition to the original letters sent to Gorst, there are copies of Gorst's own letters to his correspondents. After the examination of the letters there follows a calendar of the 81 letters, with details of writers, receivers, dates, places of origin. Original letters are distinguished by the marginal letter "O"; copies are distinguished by marginal letter "C". For all letters, a brief summary is provided and, for their more important parts, longer transcriptions are given. They have been numbered in chronological order for ease of reference in the text.

The correspondents were all in their individual ways involved with the case before Chancery, and their various roles and vocations

show the extent of the legal process. In addition to the obvious correspondents (J Gorst, Lord Lilford, R A Rawstorne, Rector and Schoolmaster, W Bordman, Usher) there were G Bover and A Nicholson, Attorneys of Warrington, who represented the committee of Warrington townspeople whose complaints to the Attorney General had set the suit in motion, Messrs Forster, Cooke and Frere of Lincoln's Inn, who, with Charles Wetherell as Counsel, were responsible for presenting Lilford's case in Chancery, William Ward, the Bishop of Chester's Registrar, and his son, who provided documentary evidence from the Registry at Chester. Other characters who were involved in more minor ways will be identified as they appear in the text. Throughout the text, for the sake of brevity, the correspondents will be referred to by their surnames.

Letter No.1 of 9 Mar 1810, from Lilford to Gorst, sets immediately in motion the investigation into allegations which had appeared in the suit filed in Chancery "by some of the Inhabitants of Warrington" which challenged Lilford's right to nominate the schoolmaster, since Lady Lilford (on whose account her husband claimed the right of nomination) was not "the right heir of the Founder". Although he did not "correctly know how this title is derived", Lilford had never heard of any question being raised "on that point". Rather sanguinely, he supposed that the matter would be "clear sufficiently by the records of the Trust". At the same time, he asked Gorst to inform him as to how the title was devised. He referred also to the charge that the nomination had not been made within the prescribed time (*ie* one month, *see* original terms of Foundation Deed). "The point was adverted¹³ to at the time and, if I mistake not, the form of nomination was drawn by you and executed within a month, as required. You will probably have the means of attesting this, at least as far as regards the date of appointment".

In the event, much effort was to go into the problem of establishing this right of nomination. By the end of the letter, Gorst was left in no doubt as to what was expected of him and as to his responsibilities.

Gorst acknowledged this letter immediately on his return "from a journey" (Letter No.2, 16 Mar 1810) and on the following day wrote to Rawstorne (Letter No.3, 17 Mar 1810) telling him of Lilford's letter and admitting that he could give no satisfactory answer without a copy of the Foundation Deed or "so much of it as relates to the Nomination". He asked for a copy of the Deed or for answers to certain questions, if no such document were available. The first question is interesting in both content and expression:

"What is the date of the Foundation Deed which I understand was made by a Sir Tho^s Boteler and in what words is the power or Right of Nomination given?"

The terms "I understand" and "a Sir Tho^s Boteler" reflect his complete lack of familiarity with the problems. Later in the letter, he was concerned to establish the relationship of Dame Margaret Ireland¹⁴ to the Founder, since it was through her that the right of nomination had, it was assumed, passed to the Atherton family of which Lady Lilford had been heir. He asked if John Fitchett, Warrington attorney and legal adviser to the Trustees of the Free School, or, indeed, any of the Trustees, had any documents concerning the right of nomination. He wished to establish the date of Edward Owen's death and of Rawstorne's nomination, the names of nominators and nominees, and the nature of the School's foundation. At this very early state of the enquiry, Gorst was able to identify the legal problems of the case.

After writing to Rawstorne, Gorst wrote to Lilford (Letter No.4, 17 Mar 1810), explaining that he had at no time seen the Foundation Deed and had written to Rawstorne for assistance. He then returned

to the problems of the right in Lilford's previous letter (*ie* No.1), pointing out that Lilford may have to demonstrate Margaret Ireland's right to be regarded as the Founder's right heir and that Lady Lilford "by Settlements & Limitations" was also, or that she and her heirs, "by Descent as Heirs at Law of Marg^t Ireland are now entitled to the Right of Nomination".

Rawstorne, in turn, (Letter No.5, 19 Mar 1810), enclosed a copy of the "Warrington Foundation Deed" asking for its return¹⁵ and promising any information which came his way, although Fitchett had no relevant documents.

At the Warrington end, there had been some delay on the part of the Committee of Citizens of Warrington, for Bover¹⁶ apologised to Rawstorne (Letter No.6, 24 May 1810) for the delay, but had been able "at length to find out their expectations" and wished to see how far Lilford could go with them. They did not wish to question Lilford's right to appoint the Master but did require three concessions, *viz.* that the funds of the School should be placed in the hands of the Trustees who should appoint the salary or stipend of the Schoolmaster, that there should be a master to teach writing and arithmetic, and that Fire Money and School Hire should be discontinued. The letter had been passed to Gorst.

[Bover's reply shows a mildness on the part of the Citizens of Warrington in their demands which were concerned with the management of the School's funds, the abolition of incidental fees, and the extension of the curriculum to include writing and arithmetic, skills essential to the growing commercial and industrial life of Warrington. Ironically, they were not concerned about Lilford's right to nominate the Schoolmaster, but this matter troubled Lilford greatly and, now that it had been raised, it had to be pursued.]

Although the Citizens of Warrington might have appeared to have

been dilatory, the defendants were more so. There is a lull in the correspondence of over a year until on 7 Oct 1811 (Letter No.7) Lilford informed Gorst that he (Lilford) and Rawstorne had to answer the Bill in Chancery and that Gorst's help would be "material to us for that purpose" and accordingly asked him to go to Warrington, later inviting Gorst who was then staying at the George Inn in Warrington to join them at the Rectory (Letter No.8, 10 Oct 1811). It would appear that Gorst did not accept the invitation, for in a letter¹⁷ (not in the bundle) dated 13 Oct 1811, from Gorst to Rawstorne, Gorst asked for answers to three questions, extracted from the Bill and referring to Bordman which were as follows: Rawstorne's answers are given in brackets:

- 1 Has he extracted sums of money for entrance, fire-money and instruction?

(No money for entrance and instruction but half guinea fire-money.)

- 2 Has he declared he will teach Latin Grammar only and expects 2 guineas a year from Boys coming to school to learn grammar?

(Bordman had always professed to teach Dr. Valpy's grammar; he had made no declaration that he expects 2 guineas per annum for teaching grammar.)¹⁸

- 3 How many scholars attend the Free School?

(Two.)¹⁹

[From the Bill in Chancery, Gorst had extracted interrogations for the Defendants to answer. These interrogations are reproduced as Document A1 in Appendix VI. The answers are summarised in Document A2.]

By 16 Oct 1811 (Letter No.9), Gorst was able to supply Forster, Frere and Cooke of Lincoln's Inn (hereafter Messrs Forster & Co) with instructions for answers for Lord and Lady Lilford to the Bill in

Chancery²⁰. He assumed that they had received the answers of the Trustees. He urged the "necessity of Despatch" since, by that time "a sequestration is out against Lilford and an attachment against Rawstorne"²¹.

Most of the answers were brief and succinct, with one interesting answer from Lilford to the question of right of nomination. In view of the absence of the relevant documents, Lilford questioned how far he was bound to answer, especially to "a few discontented Inhabitants of Warrington". If the school was well run and the Trustees were satisfied, there seemed no grounds of complaint. (It was, of course, about this very point that the "discontented Inhabitants" were complaining.) He referred to the Order of 1607 by which Thomas Ireland, "being the owner of the Manor of Warrington" had the Nomination and added: "It would now be a vain attempt to discover the Heirs of the Body or the Right heirs of Thomas Boteler ... or* the Heirs of Thomas Ireland ... The Athertons were related both to the Botelers and to the Irelands and may or may not be the Heirs of both or either of them". He concluded that if the right became alienable subsequently, then Margaret Ireland had power to devise²² it by her will, entailing it to the Athertons who had exercised it.

This letter was acknowledged by Messrs. Forster & Co on 18 Oct 1811 (Letter No.10). They assumed that Gorst had made some arrangements with the Undersheriff concerning the attachments (Letter No.9). In response to the plea for haste, they confirmed that "answers cannot possibly be got in by first Day of Term". Accordingly, Gorst wrote to Bover (Letter No.11, 21 Oct 1811) concerning the sequestrations, informing him of the impossibility of replying with answers in time, adding, "As your object can only be to

* Here Gorst has interpolated "perhaps".

get the answers I hope you will take no [further]²³ steps without informing me".

Bover's prompt reply (Letter No.12, 22 Oct 1811) gives an insight into the attitude of the Warrington Committee. He assured Gorst that no further proceedings at law would be taken, since they had been initiated only "to get answers" and then "very unwillingly". All other answers had been received, yet those from Gorst were still missing after a long delay. In addition "the importunity of some of the Complts left no alternative". [Thus there was building up a state of crisis between the complainants of Warrington who were irked by what appeared to them as the deliberate procrastination of Lilford and his co-defendants to present their answers.]

Messrs Forster & Co promised to send the defendants copies of the answers and asked for the whereabouts of the defendants in order to send down a commission to take the answers (Letter No.13, 5 Nov 1811). On this point, Lilford's mobility presented a problem, for Gorst informed Bover (Letter No.14, 13 Nov 1811) that Lilford desired to have answers taken as soon as possible but that he [Lilford] thought it best to wait until he was in London; thus there was hardly time "to go through the ceremonial part of the business" before he set out. Gorst suggested that they took advantage of the "short delay" which might give the parties "an opportunity of seeking a compromise which would vastly better serve the interests of the School than a long and perhaps endless Chancery suit ... " He asked to know the "expectations" of the Complainants. If they were impatient, he would send to London "for a Commission to take the Answers forthwith".

[In Gorst's reply is seen the moderating influence of a lawyer who realised the implications of a Chancery suit and the advantage of a settlement out of court.]

The reply to Gorst's letter (Letter No.14) came from A Nicholson to whom Gorst's letter had been passed (Letter No.15, 15 Nov 1811). Nicholson had consulted the "Committee appointed by the Inhabitants of this Town to conduct the prosecution of their suit ... " and "by their direction" informed Gorst that they had waited more than twelve months for answers "and do not think themselves warranted in suffering longer delay to take place". Concerning the prospect of a compromise, Nicholson reported that the Committee was "by no means disinclined to pay every attention to any written proposal ... provided such proposal (if acceded to) be made the basis of a Decree in Equity, but not otherwise"²⁴. Nicholson added that he would have gone for more postponement, but he "had been obliged to yield to the importunity of the Committee". [Like Gorst, Nicholson would have preferred a more moderate line of action, but both lawyers had to follow the instructions of their clients.]

Gorst's next communication with Lilford (Letter No.16, 16 Nov 1811) is very much a lawyer's letter, concerned with a realistic view of Lilford's claim to the right of nomination, which Gorst still found weak. It was clear that the Athertons were not related "in Blood to the Botelers". It seemed improbable that there were any heirs of the body or rightful heirs of the Founder. Thus "a compromise sho^d by every means be sought", for unless an amicable solution was presented, the Chancellor might "take the right into his holy keeping". If that "hazard" were avoided, then Lilford's right of nomination "might be deemed good until a better were found and established".

Gorst's hope for a settlement was not fulfilled. He informed Lilford (Letter No.17, 17 Nov 1811) that the situation seemed to have reached an impasse in which neither side would express their views. There was still the possibility that "under the influence however of

some friendly Mediator something may be attempted". Then, with references to Lilford's claim to the right of nomination, he warned that a Decree was the *sine qua non*: "a Difficulty arises which will not be easily overcome, for reasons stated in my last letter" (*ie* Letter No.16). He warned that they should avoid any regulations of the School "which may involve the right of nomination".

By that time, however, Lilford had taken up an intransigent position (Letter No.18, 19 Nov 1811). He had considerable doubt, "in the present Temper of the Warrington people, how far it is prudent to hint at any proposal for compromise ... on my part". On considering Gorst's previous comments, he concluded that he was "very unwilling" to put in an answer hastily until all points had been well considered".

Gorst, however, informed Nicholson that the replies of his clients were "drawn" and would be "put in"²⁵ when they had been settled by Counsel (Letter No.19, 20 Nov 1811) and on the same day returned to Messrs Forster & Co the papers²⁶ with his own comments, being of the opinion that they should be submitted with as little delay as possible (Letter No.20, 20 Nov 1811).

On 26 Nov 1811, Gorst received from Lilford a note (Letter No.21, 26 Nov 1811) which gave him instructions for a letter to Nicholson whom he was to inform that Lilford and Rawstorne had prepared and were ready to submit their answers. Although they lamented being driven to such litigation, they could not agree to any arrangement by which the right of nomination "must be subverted in their hands". They were, however, willing to consent to the appointment of a master for writing and arithmetic. Consequently, Gorst told Nicholson (Letter No.22, 30 Nov 1811) of Lilford's consent to the specified appointment and followed by the suggestion that an arrangement acknowledging Lilford's right to nomination and the preservation of

the School as a Free Grammar School by an agreement with the Patron and Trustees could be secured in preference to the "more dilatory and expensive Measure of a Decree in Chancery".

Meanwhile, the draft answers had been returned (Letter No.23, 3 Dec 1811, from Messrs Forster and Co to J.Gorst) with questions about the availability of Rawstorne and Bordman "in Town or by Commission". The Lilfords were expected to make their submissions in London; so Gorst returned to Rawstorne his joint statement with Bordman (Letter No.24, 12 Dec 1811), asking them to read it over carefully "as it must be given on oath" and to return it to him when he would apply for a commission at a place convenient to them both: Rawstorne would be expected to supply a schedule of the School's estates.

Nicholson's reply to these two letters (Letter No.25, 16 Dec 1811) was to the effect that the Committee of Inhabitants had decided that "the proposal ... falls so infinitely short of the prayer of the Bill ... that they cannot feel themselves warranted in entertaining it for a moment. You [*ie* Gorst] will therefore see the necessity of getting forward with the Answers of the Defendants as speedily as possible, on which subject I assure you the committee press me exceedingly".

In his reply to Letter No.25, Gorst asked to know, before he passed the letter to Lilford, whether the Warrington Committee would "candidly and specifically state their particular Expectations or whether the prayer of the Bill ... is its full Extent and meaning to be answered" (Letter No.26, 18 Dec 1811).

Rawstorne returned the draft answer with "one or two trifling alterations at Mr. Bordman's request" and suggested arrangements for a possible meeting (Letter No.27, 21 Dec 1811).

Thus, by 23 Dec 1811 (Letter No.28) Gorst was able to write to Messrs Forster & Co asking for a commission and naming four

commissioners, of whom he was one. On the same day, Gorst informed Nicholson that he was asking for a Commission for Rawstorne and Bordman to be held at Wigan on 6 Jan 1812 (Letter No.29, 23 Dec 1811). Unfortunately, Messrs Forster & Co were unable to send the commission because Chancery offices were shut (Letter No.30, 2 Jan 1812) but were able by 14 Jan 1812 to inform Gorst that they were sending the commission for Rawstorne and Bordman by the morning's mail (Letter No.31, 14 Jan 1812). Accordingly, Gorst enquired of Nicholson whether he needed the formal six days' notice to be given to their Commissioner, Gaskell²⁷ (Letter No.32, 16 Jan 1812). Nicholson was prepared to waive the formal period of notice; Gaskell might not be able to attend. Referring to a previous letter (No.26), he informed Gorst that the disposition of the committee seemed to be "to keep in view the prayer of their bill as much as possible" (Letter No.33, 17 Jan 1812). [This letter marks a point of crisis between the two sets of contestants: there would seem to be now no possibility of a settlement by compromise out of court.]

On 20 Jan 1812, the answer of Rawstorne and Bordman was taken at Wigan "before Messrs John Gorst and H.J. Gaskell - Comm^{rs} and the Answer deliv^d by J Gorst to Mr Simpson, Clerk to Counsellor Williams"²⁸. The defendants admitted that they were forced to rely on copies of the originals by which they might justify their actions. Their general drift was that they had exercised their privileges and used the rents in good faith, in so far as the original purposes could be established. Their review of the history of the charity showed that it was so complicated that it was impossible to see that they were wrong in what they had done. The Trustees were not in actual possession of the Charity estates but the rents had been received by subsequent schoolmasters and were then received by Rawstorne. Further details of the answers of the defendants are

given in Appendix VI.

The answers of Rawstorne and Bordman, although taken on 20 Jan 1812, had not reached the court by 29 Feb 1812, so that Nicholson wrote on 29 Feb (Letter No.34) of which letter a long extract is included in the calendar of the letters. By that time, Nicholson felt that "every fair professional indulgence" had been granted but that his clients "had not met with such a return as they had a right to expect". Although he did not know where the fault of the delay rested, he felt compelled "to use every compulsive measure in my power to bring the Defendants into Court". Thus, on the same day, he wrote to William Rawstorne²⁹ at Preston, the Undersheriff (Letter No.35, 29 Feb 1812) concerning the attachments lodged against Rawstorne and Bordman in the previous October³⁰. The assurances had not been fulfilled and no answers had gone to the Court, so that "matters, for ought appears to the contrary remain as they have done for months past". Thus he felt that he had shown "every fair and reasonable liberality", but that his duty to his clients would not permit him any longer "to suffer further delay". Unless Answers were immediately filed, he had to call upon the Sheriff for a return of the Writ.

In view of the turn which events were taking, Gorst hastened (Letter No.36, 3 Mar 1812) to reassure Nicholson that the answer of Rawstorne and Bordman had been delivered to their Clerks in Chancery. He promised to communicate with Messrs Forster and Co immediately. Although no record of his communication survives, he was obviously as good as his word, for an explanation of the delay was despatched by Messrs Forster & Co (Letter No.37) on 5 Mar 1812, in which it was explained that some errors had occurred with the Answer of Rawstorne and Bordman: "some mistake or neglect on the part of our Clerk in Court that it was not filed. It is however now on the file".

The next news from Messrs Forster & Co. was dated 21 June 1813, over a year after the last recorded communication, by which time the case had still not come before the Court. They reported that they had laid the pleading before Charles Wetherell, counsellor, and they enclosed his opinion (Letter No.38 dated 21 June 1813). They asked for a gathering of evidence and for names of witnesses and commissioners. Wetherell was of the opinion that Lord and Lady Lilford should prove the appointment made by those persons from whom they claimed the title to appoint³¹. He advised that Rawstorne and Bordman should go into evidence "to disprove the charges of misconduct stated in the Information to shew that the Inhabitants might send their Children to the School if they thought fit and that the deft Boardman (*sic*) is competent and willing to attend to the duties of the School if it were more numerously attended".

Gorst replied on 26 Jun 1813 (Letter No.39). He named the Commissioners and gave the dates of two previous Schoolmasters, Hayward and Owen, admitting that "... the Instruments of Appointment will hardly be found"³² and suggested that licences etc. might be found at the Bishop's Court at Chester. He was still apprehensive of an open examination of the Lilfords' right to nominate. Proof of the appointments might be found in documents, "if they exist", or "by Reputation of Old People in Warrington". He foresaw no difficulty in disproving the charges of misconduct against Bordman and in demonstrating his "perfect Competency ... to conduct the School" but held the opinion that it would be "altogether impracticable to collect the Evidence".

In the pursuit of such evidence, Gorst wrote to Rawstorne (Letter No.40, 2 Jul 1813) enclosing a copy of Wetherell's opinion (*see* Letter No.39) and requesting Rawstorne's assistance. Concerning Lady Lilford's right to nomination, he considered the appointments of

Heyward and Owen, who together had served for 84 years, "the proof of which may be sufficient to make out the first Point³³, and asked Rawstorne to search the School papers "for the Appointments or any Minute or entry referring to them". If there was no documentary evidence, " ... perhaps general Reputation from the Evidence of any of the old Inhabitants of Warrington who knew Mr. Hayward and Mr. Owen and by whom they were appointed may be held sufficient". Gorst asked Rawstorne to have "the Goodness to seek out such Inhabitants". Bordman's competency to teach and his general good conduct would "best be made out first by Dr Valpy's Testimonial³⁴ ... and then by the Testimony of Persons in Warrington or the Neighbourhood who have sent their children to the School". Arrangements for a Commission for the examination of such witnesses would be made at Warrington "as the most convenient place".

Rawstorne replied on 12 Jul 1813 (Letter No.41). He was unable to find anything in the School's papers concerning previous appointments, except a memorandum in his own writing, *viz*: "About the year 1723 Thos. Hayward, Clerk, was appointed Master by Richard Atherton, Esq. Mr Hayward died in 1759 when Rev^d Edw^d Owen was nominated Master by the Atherton family". He was, however, unable to remember anything about the origins of the note. Concerning Mr Bordman, he had Dr. Valp y's testimonial in his possession. He thought that two or three parents who had sent their sons to the School might be procured "to testify their satisfaction at the progress" their children had made. There had, however, "seldom been more than one Town boy at a time". He wondered whether "Parents ... can be compelled to appear to give their Testimony before the Commissioners".

On 23 Jul 1813 (Letter No.42) Messrs Forster & Co promised Gorst to send "by evening mail" the Draft Interrogations of Witnesses on

behalf of Lord and Lady Lilford, Rawstorne and Bordman, asking Gorst to alter them "as circumstances may require and then have them engrossed"³⁵. Wetherell's notes were given for guidance. In a "PS" was added: "Since writing above we find the Commission was sealed this morning". On the outside of the letter, Gorst had written,

"26 August wrote for Commission.
18 Sept rc^d Commission".

[Resumes of the contents of the documents in the Lilford papers concerning the Bill in Chancery are provided in Appendix VI.]

Messrs Forster & Co informed Gorst (Letter No.43, 31 Aug 1813) that the other side did not object to the Commissioners, that the Commission was "under Seal", and they hoped to receive it "in a day or two". The Commission for the examination of witnesses was sent by Messrs Forster & Co. on 18 Sept 1813 (Letter No.44).

Gorst, meanwhile, was facing the problem of providing evidence for the pending commission for the examination of witnesses. Accordingly, he wrote to the Bishop of Chester's Registrar, W Ward, asking for a search for evidence of the appointment of Hayward, Owen and Rawstorne (Letter No.45, 24 Sep 1813). The reply was sent on 28 Sep 1813 (Letter No.46) from the Registrar's son, giving the required information with the additional note about the information of the nomination of John Tatlock in 1718. The letter ended: "The Licences are never kept but by the Act Book³⁶ it appears that they have been granted. The charge with Pge* is 14/0". No further information was forthcoming from the records of the Atherton family (Letter No.47, 7 Oct 1813).

On the following day, 8 Oct 1813, Gorst expressed to Rawstorne his wish to get the Commission for the examination of witnesses fixed for the course of the month and asked for answers to the questions he

* *ie* postage

had posed when last they met. He was still concerned with the right of nomination and felt that they must still "if they can be discovered pursue the Instmt^s of Nominⁿ and Appointment as well as the Entry in Record" (Letter No.48, 8 Oct 1813).

Rawstorne replied (Letter No.49, 10 Oct 1813) that he had been unable to meet anyone who had "a perfect recollection of the School Buildings before Mr Owen first began his alterations". He wondered, therefore, if it would be sufficient "if a statement was made of the building in its present state, in order to prove that it is convenient for the purpose for which it was intended". A local carpenter "would be the most proper person to certify that the Buildings have been put into a complete state of repair". He was able to give documentary evidence of his own appointment, but Mr. Owen's papers had been left in the possession of Mr. Lloyd³⁷. He felt that the discovery of appointments at Chester made further investigation unnecessary and suggested names of three parents whose sons had attended the School. Bordman wanted more time to consider his answers.

Further evidence from Chester was not very strong (Letter No.50, 19 Oct 1813). The Bishop's Registrar had traced only one subscribing witness to Lilford's nomination of Rawstorne and his name "appears to be John Selby as I think it is the two last letters of the latter word are obscurely written. Search 7s/6d".

Gorst informed the Bishop's Registrar (Letter No.51, 25 Oct 1813) that the Commission out of Chancery had been fixed for 2 Nov 1813 at the George Inn in Warrington at 10 o'clock to prove the nominations for schoolmaster of Tatlock, Hayward, Owen and Rawstorne, and he asked that the Registrar's son, or one of his clerks, should attend "in good time" with records or extracts of nomination.

On the same subject, Gorst wrote to Sir Robert Peel (Letter

No.52, 25 Oct 1813) asking that his agent at Bury should attend the commission with Lilford's Marriage Settlement or that it should be sent to him [Gorst] "by some confidential hand".

On 26 Oct 1813, Rawstorne sent to Gorst Bordman's answer concerning "gentlemen to be examined ... before the Commission" and asked that henceforth Gorst would deal direct with Bordman (Letter No.53).

Other arrangements for the Commission were then made in the correspondence. Gorst arranged with Peel's agent for reimbursement (Letter No.54, 27 Oct 1813).

On 27 Oct 1813, the Bishop's Registrar confirmed that one of his clerks would attend at Warrington "according to your Instron" (Letter No.55, 27 Oct 1813) and again on 1 Nov 1813 (Letter No.58) wrote to Gorst that the bearer attended with "all the Documents that we have relative to Warrington School". (He asked for a payment of £3.17.10.) On the same day, Norris³⁸ informed Gorst that one of their "young men" would be the bearer of the deeds of settlement of Lilford's marriage and would wait "while they are at liberty to be returned" (Letter No.57, 1 Nov 1813).

At the end of the Commission, Gorst advised Messrs Forster & Co that he would send the Commission "which is just closed ... by this Night's Mail" (Letter No.59, 2 Nov 1813).

The witnesses examined under the Commission were as follows³⁹:

John Gorst:	"to the Right of nomination and Execution of Lord Lilford's Marriage Settlement";
Thos. Blands:	(Clerk to W Ward, Bishop's Registrar) "to the Nomination and Licences in [hand] at Chester";
Robt. Pickton and John Dalooze	"To the state of the School Buildings";
Mr. Fletcher, Mr. Newton, Dr. Blackburne and Mr. Brunt	"To the Character and capacity of Mr. Bordman as Schoolmaster."

After this Commission, Gorst's task was to assemble and present to Messrs Forster & Co material relevant to the hearing in Chancery. Thus, on 11 Nov 1813 (Letter No.60) he sent to Messrs. Forster & Co. exhibits "which may probably be useful at the Hearing or before the Master if the cause be referred". Lilford's marriage settlement had been returned to Norris. Gorst asked to be informed when the publication was passed and of any important proceedings in the cause. He thought that the character of Bordman would "hardly be doubted", so that the question would "ultimately be limited to a single point whether the nomination of Mr R Rawstorn who has not acted in the practical Duties of the School can be supported as a proper and efficient nomination". Gorst's list of exhibits is reproduced in Appendix VI⁴⁰.

The reply of Messrs Forster & Co (Letter No.61, 4 Feb 1814) informed Gorst that the Cause was then in the Lord Chancellor's Paper and would "probably very soon come to be heard". They then expressed surprise at a deposition from one Peter Newton⁴¹ who had intimated that Bordman expected "something for Entrance", "Money which he called Cock Money every half year" and expectations of "Gold". There was also the declaration that the Deponent paid "every half year the sum of half a guinea or more for teaching his ... son ... over and above the sum of 10/6 for the half year for Fire" and that every half year Bordman sent to the Deponent [Newton] "an account for Fire money and Stationary (*sic*) and a blank for Cock money". Such responses contradicted Bordman's answer and went to "substantiate one of the allegations in the Information" so that they presumed that Gorst was not aware, when he examined the witness "of the Particulars to which he would depose".

Gorst's reply (Letter No.62, 7 Feb 1814) shows his skill in pleading, as he extricates himself and his client from a seemingly

inexcusable situation. His opening defence was that "the witness Mr Peter Newton was a perfect stranger to me. His name was given me by Mr. Boardman (*sic*)". He then proceeded with a reasonable if not altogether convincing apologia of Bordman's actions.

Lilford's Marriage Settlement was required again, this time for the hearing in Chancery. Gorst requested Sir Robert Peel to send this document to Messrs Forster & Co (Letter No.63, 7 Feb 1814) and his request was duly acknowledged by Norris (at Bury, Letter No.64, 12 Feb 1814) that the documents would be sent to London.

Although as yet the Cause had not come before the Court, Rawstorne had realised that the old dispensation concerning the use of the School's revenues was over and that some degree of accountability would probably be enforced and so he discussed financial matters in a meeting with Gorst. Later, he wrote to Gorst (Letter No.65, 19 Feb 1814) concerning an application from Fitchett, the Trustees' legal adviser, for money from the Charity, and asking for guidance in future negotiations, stating his view at that moment: "At all events I shall not feel inclined to advance a larger sum than will defray the expences already incurred not as I think more than this can reasonably be expected, situated as I am with respect to this business and standing in so very different a light to the generality of clients".

Gorst's reply (No.66, 21 Feb 1814) is significant because it introduces a new element into the administration of the Charity's funds, *viz* the handling and management of the Charity's income by a paid official, other than the schoolmaster. Gorst gave the opinion that Fitchett should call together all the Trustees for the "express purpose of considering the subject of cost - The Rents of the School Lands (presuming them to be received by the Trustees) must be considered as the proper Fund for their Indemnification. The

Trustees therefore in their associated capacity sho^d order Mr. Fitchett to call upon you to defray the necessary Expenses of their Defence out of the Rents of the School Lands and the Trustees by their order should also authorize you so to apply the Rents and such an Order signed by the Chairman should be delivered into your Hands". He outlined a system of accountancy and considered that Rawstorne should have received full information "in the outset and at every Step".

The Trustees admitted "generally the truth of the allegation in the ... Information contained". They said that they did not "decline to interfere in the managing and letting of the ... Charity Estates in the receipt of the rents and profits thereof"⁴², but that they believed that the Charity Estates "had ... been for a great many years left to the management of the Master ... and by reason of the apparent contradiction between the ... Foundation Deed and ... Orders and Decrees of the Commissioners of Charitable Uses and of the Court of the Duchy Chamber, they were unable to form a proper judgement of their powers". They declared themselves to be "desirous of the Court for their guidance in that behalf to which they would endeavour to conform to the best of their judgment". They prayed that the Court "would take care of the Charity mentioned in the ... Information and give proper directions for the settling and establishing thereof".

Clare's deposition traced the history of the plot of land in Church (Kirk) Street, the location of the Priest's Chamber (the original residence of the Schoolmaster) from about Dec 1766 from its conveyance by Edward Owen and the Trustees to Thomas Wishaw, innkeeper, who conveyed it to Joseph Daintith and Peter Wright who, in turn, conveyed it to John Clare, father of the defendant, who improved the buildings on it. This was conveyed to Josiah Clare who had erected further buildings on it, so that Josiah Clare then

claimed title to the land.

The Decree of the High Court of Chancery in this Cause was issued on 5th Mar 1814 and had immediate effect. On 11 Mar 1814, Messrs Forster & Co informed Gorst of the substance of the Vice-Chancellor's judgement⁴³, the main points of which were:

- (i) "Impeachment of title of Lord and Lady Lilford" - Dismissed.
- (ii) Rawstorne was declared incapable of holding two offices of Rector and Schoolmaster. He was "to account for rents etc. received by him. The Master [in Chancery] was to make such allowances to the Schoolmaster "as he shall think proper". Bordman was to continue Master for the present. "The Court particularly stated that there was not anything to prejudice the character of those Gentlemen or either of them".
- (iii) Lilford's costs were to be paid for out of the Estate's revenues, Rawstorne and Bordman were to pay their own.
- (iv) Schemes were to be laid before the Master [Chancery] for the future regulation of the School and the management of the Estate. Gorst was asked to communicate with Rawstorne and Bordman. (The ms. contains a pencilled note by Gorst: "Bordmans Salary £137.10.0".) (The Orders of Chancery are dealt with in greater detail in Chapter VII.)

Accordingly, Gorst advised Rawstorne (Letter No.67, 10 Apr 1814) that he had received the Minutes of the Decree and enclosed a copy. He drew Rawstorne's attention to the following points which concerned him personally:

- (i) that he was to provide a rental of the School's estates in a schedule;
- (ii) that he was to furnish a list of sums paid to Bordman as Usher's salary since 10 Jan 1810 [*ie* the beginning of the Case];
- (iii) that he was to provide list of monies expended on repairs and

lasting improvement;

(iv) that he was to provide an account of rents and profits accrued and received since 10 Jan 1810.

On 16 Apr 1814⁴⁴, Messrs Forster & Co sent a copy of the Minutes of the Decree to Gorst, with their opinion that Bordman ought to be allowed his costs, and further (Letter No.68, 15 Nov 1814) that costs had been allowed to Rawstorne and Bordman by the Vice-Chancellor.

At this point, Letters Nos.69-81 in batch DD Li 254 deal with the post-Chancery period and will be introduced at relevant points in the later text. They are, however, included in the calendar of letters.

The High Court of Chancery⁴⁵ presented one of the means whereby remedies for irregularities in the administration of endowed schools (regarded as charities) might be sought, for it was frequently called upon to deal with grievances for which the common law offered no remedy and it was empowered to proceed by the rules of "equity and conscience". This became its main function, so that, over the years, it was covered with rules of procedure "no less complex than those of the common law", some idea of which may be gained from the foregoing record. A suit was begun by the preferring of a bill in the nature of a petition to the Lord Chancellor. If the suit was instituted on behalf of the Crown (*eg* because of objects of public charity, as in the case of the funds of endowed schools), it was presented by the proper officer, later (as in the Warrington Case) usually the Attorney General. During the 16th and 17th centuries Chancery developed a hierarchy of officials. The system of record-keeping, an essential element in the presentation of suits, was at its most complex during the period James I to 1842, thus accounting for some of the delay in the hearing of the Warrington case, the procedures of which extended from the filing of the bill, 10 Jan 1810, to 8 Mar 1814, although considerable delay came from procrastination on the

part of some of the defendants to produce their depositions. Since the Warrington case was a "Country Cause", the need to take depositions by Commission added further to the delay. An example of delay caused by a Court official is found in Letter No.37 in which Messrs Forster & Co's reference to "our clerk in Court" referred to one of the officials who were "virtually the Solicitors acting for the plaintiffs or defendants in each suit" and were responsible for the management of their client's papers on the files. Thus, any "mistake or error" on the part of the clerks in Court would result in further delay. The two attorneys, Gorst and Nicholson, were both aware of the delays and expenses of a Chancery case (Letters Nos 14 & 15) and Gorst, in particular, was alarmed at the prospect of the Chancellor assuming or disposing of the right of nomination of the schoolmaster, since no "right heir" of the Founder could be identified (Letter No.16). He wished to prevent this subject now becoming a question of dispute between the two parties.

The Warrington School case was unlike the Leeds Grammar School case in which Lord Eldon had judged that "there was no precedence for the Court of Chancery to permit the conversion of the school for teaching anything else except Latin and Greek"⁴⁶ for the Warrington case concentrated on matters for which Chancery had precedents, *eg* the mismanagement of charitable funds, pluralism.

Calendar of 81 Letters re The Free School of Warrington

No.1 From Lord Lilford To John Gorst, Preston. 9 Mar 1810
O

The opening letter in the correspondence concerning the right of nomination of the Schoolmaster of the Free School of Warrington: Lilford asks Gorst for advice concerning his and his wife's right to nomination of the schoolmaster, since he does not know exactly how the title is arrived at.

No.2 From John Gorst, Preston To Lord Lilford 16 Mar 1810
C

On his return from a journey, Gorst acknowledges receipt of Letter No.1 and promises to give the letter immediate attention.

No.3 From John Gorst, Preston To Rev. R.A. Rawstorne 17 Mar 1810
C [Rector of Warrington and Master of the Free School of Warrington]

Gorst tells Rawstorne of Lilford's question concerning the school and asks for assistance, either by answering specific questions on the rights and history of the nomination or for a copy of the Foundation Deed.

No.4 From J. Gorst, Preston To Lord Lilford 17 Mar 1810
C

Gorst has never seen the foundation deed, but has asked Rawstorne for help.

"The Bewsey Estate and the patronage of the School were devised to the Atherton Family by Dame Marg^t Ireland and it may be incumbent on your Lordship in support of your Title to shew that she was then the Right Heir of the Founder S^r Tho. Boteler and that Lady Lilford by Settlement and Limitations is or that her Ladyship and her heirs by Descent as Heirs at Law of Marg^t Ireland are now entitled to the Right of Nomination".

No.5 From Rev. R.A. Rawstorne, To J Gorst, 19 Mar 1810
0 Warrington Preston

Rawstorne sends a copy of Warrington Foundation Deed and asks for its eventual return. John Fitchett [Warrington solicitor] has no information. He supplies information re Rev. Edward Owen, former Schoolmaster and Rector.

No.6 From G. Bover, Warrington To Rev. R.A. Rawstorne, 24 May 1810
0 [Legal Representative of Warrington
the Warrington Committee]

G.Bover apologises for delay in reporting on the committee. He has established their expectations and wishes to see how far Lord Lilford can go with them. They did not wish to question Lilford's right to nomination. They require that the funds be placed in the hands of the Trustees who appoint the stipend of the Master. They required also that a master should be appointed to teach writing and arithmetic and that Fire Money and Book Money should be discontinued.

No.7 From Lord Lilford, from To J. Gorst, Preston 7 Oct 1811
0 the Rectory at Warrington

Lilford understands that he and Rawstorne must answer the Bill in Chancery and thinks that Gorst's help "will be material for that purpose". He asks Gorst to go to Warrington.

No.8 From Lord Lilford, at To J. Gorst, at the 10 Oct 1811
0 the Rectory, Warrington George Inn, Warrington

Lilford offers J. Gorst accommodation at the Rectory while he stays in Warrington.

No.9 From J. Gorst, Preston To Forster, Cooke & 16 Oct 1811
C Frer, Lincoln's Inn
[Lilford's and Rawstorne's
representative for the
Bill in Chancery]

J. Gorst sends instructions for answers for Lord Lilford, R.A. Rawstorne and W. Bordman (Usher) to the Bill in Chancery. He urges the "necessity of Despatch since a sequestration is out against Lord Lilford and an attachment against R.A. Rawstorne".

No.10 From Forster, Cooke & To J. Gorst 18 Oct 1811
O Frere

The last letter (No.9) is acknowledged.

"We conclude you have made some Arrangement with the Undersheriff respecting the Attachments as the Answers cannot possibly be got in by the first Day of Term".

No.11 From J. Gorst, Preston To G. Bover, Warrington 21 Oct 1811
C

Gorst observes that sequestrations and attachments have been lodged for an answer and repeats Forster & Co.'s opinion *re* impossibility to reply in time. "As your object can only be to get the answers I hope you will take no further steps without informing me".

No.12 From G. Bover at To J. Gorst, 22 Oct 1811
O Warrington Preston

Bover assures Gorst "in consequence of your letter" that no further proceedings would be taken without informing him, since such extreme action had been taken only to get answers. "Indeed that step was taken very unwillingly, but the long delay of these Answers after all the others had been put in and the importunity of some of the Compl^t*, left no alternative".
[Postmark "Warrington 22 O 22 1811 188".]

* *ie* Complainants.

No.13 From Forster, Cooke To J. Gorst, Preston 5 Nov 1811
0 and Frere, Lincoln's Inn
They promise to send the drafts of the answers of Lord and Lady
Lilford, Rev. R.A. Rawstorne and Rev. W. Bordman and a copy of
the Bill. If Gorst lets them know where the defendants are,
"we will procure and send down a commission to take the
Answers".

No.14 From J. Gorst, Preston To G. Bover, 13 Nov 1811
C Warrington
Gorst expresses Lilford's desire to have the Answers taken as
soon as possible, but thinks it best to wait until Lilford is
in London, as there was hardly time "to go through the
ceremonial part of the business" before he leaves for London.
Gorst suggests that "the short delay ... may give the parties
an opportunity of seeking a compromise which would vastly
better serve the Interests of the School than a long and
perhaps endless Chancery Suit ... ". He asks to know his
clients' "expectations"; if they are impatient he would send to
London "for a Commission to take the answers forthwith".

No.15 From A. Nicholson, To J. Gorst, Preston 15 Nov 1811
0 Warrington [now legal
representative of the
Warrington Committee]
Nicholson has taken over from Bover.

His clients, having waited more than 13 months for answers, "do
not think themselves warranted in suffering longer delay to
take place". He gives their response to suggestion of
compromise: any proposal must be made on basis of "a Decree in
Equity*", but not otherwise". Nicholson would have preferred
more postponement but "I have been obliged to yield to the
importunity of the Committee".

[Postmark "Warrington 15 No 15 1811 188].

*See note in text.

No.16 From J. Gorst, Preston To Lord Lilford 11 Nov 1811
C

Gorst still finds Lady Lilford's claim to nominate Schoolmaster weak. "It seems that the Athertons are not related in Blood to the Botelers". He examines the claim through Dame Margaret Ireland and concludes "then the right continued and now exists in the Heirs of the Body or right Heirs of Sir Thos. Boteler the founder if any such there be - under these circumstances a compromise sho^d by every means be sought, but without any agreement for a Confirmation of the Terms by an amicable suit in Chancery, lest the Chancellor sho^d take the right unto his holy keeping - Barring that Hazard your Right of Nomination might be deemed good until a better were found and established ...".

(See Appendix V).

No.17 From J. Gorst, Preston To Lord Lilford 17 Nov 1811
C

Gorst is of the opinion that the situation seems to have reached an impasse - neither side revealing their own views. "Under the influence however of some friendly Mediator something may be attempted. If a Decree were to be the *sine qua non*, a Difficulty arises which will not be easily overcome, for reasons stated in my last letter ... " They should avoid any regulations for the School "which may involve the right of nomination".

No.18 From Lord Lilford at To J. Gorst, Preston 19 Nov 1811
O Atherton

"I have considerable doubt, in the present Temper of the Warrington people, how far it is prudent to hint at any proposal for compromise as likely to be made on my part; tho' certainly if means could be found of accomplishing it, it would be very desirable".

Lilford has considered Gorst's previous comments and concludes:

"I shall therefore be very unwilling to put in an answer hastily untill (*sic*) these points have been well considered".

No.19 From J. Gorst, Preston To A. Nicholson 20 Nov 1811
C Warrington

Gorst informs Nicholson that the replies of Lord and Lady Lilford and of Rawstorne and Bordman "are drawn and will be put in as soon as they have been finally settled by Counsel".

No.20 From J. Gorst, Preston To Forster, Cooke and 20 Nov 1811
C Frere, Lincoln's Inn

Gorst returns the papers. Lilford has seen the Answers "as observed upon by me". He thinks that "when the Answers can prudently be put in they sho^d be so with as little Delay as possible".

No.21 Gorst's marginal note: 26 Nov 1811
0

"Rec^d this note from Lord Lilford 26th Nov 1811 as an Instrⁿ for a letter to Mr. Nicholson".
[The note is in Lilford's handwriting.]

"Lord Lilford and Mr. Rawstorne have proposed and are ready to put in their answers to the Bill filed against them in Chancery and however they may lament that they are driven to such a litigation, they cannot consent to make any proposals towards accommodation on their Part, whereby the right of the Patronage, on the fundamental regulation of the School must be subverted in their hands. But as they always have been and ar[e] still desiring to extend the benefits of the institution as far as can be done consistently with those objects they are willing to consent that a Master for Writing & Arithmetic should be added to, & considered as forming a part of the establishment of the Free School".

No.22 From J. Gorst,
C Preston

To A. Nicholson,
Warrington

30 Nov 1811

Gorst informs Nicholson of Lilford's willingness "to satisfy the Inhabitants of Warrington" by extending the establishment to include Masters for Handwriting and Arithmetic. He then comments: "Such an arrangement (in which the Right of patronage, as now existing in Lord Lilford, should be acknowledged and the School on its fundamental principle of a free Grammar School preserved) might it is hoped be secured as effectually by an Agreement between the Patron & Trustees, as by the more dilatory and expensive Measure of a Decree in Chancery".

No.23 From Messrs. Forster
0 Cooke & Frere,
Lincoln's Inn

To J. Gorst,
Preston

3 Dec 1811

They return the Draft Answers, with some corrections and ask about the availability of Rawstorne and Bordman: will they be in London or will a Commission be required, to take their answers? They expect Lord and Lady Lilford to be in Town in time to put their Answers.

No.24 From J. Gorst,
C Preston

To Rev. R.A. Rostorne,
Warrington

12 Dec 1811

Gorst returns the draft Answers of Rawstorne and Bordman, asking them to read them over carefully "as it must be given on oath". The document should then be returned to Gorst who will apply for a commission "where you and Mr. Bordman can give us the meeting It will be necessary for you to draw out as part of your answer, a correct Schedule of the School Estates containing the Tenants names, number of acres & the Rents now receivable. The one you gave me was imperfect in some

partarš*. ... If you do not possess such a partarš* I dare say
Mr. Fitchett** will furnish you with one ... "

[* *ie* particular(s)

** John Fitchett, solicitor, of Warrington, legal
representative of the Trustees.]

Cross references: (i) letter 14
(ii) DD Li 252/14

No.25	From A. Nicholson,	To J. Gorst,	16 Dec 1811
0	Warrington	Preston	

Nicholson is replying to previous suggestion *re* compromise.
The Committee of Inhabitants [of Warrington] had decided that
"the proposal ... falls so infinitely short of the prayer of
the Bill ... that they cannot feel themselves warranted in
entertaining it for a moment. You [*ie* Gorst] will therefore
see the necessity of getting forward with the Answers of the
Defendants as speedily as possible, on which subject I assure
you the committee press me exceeedingly".

[Postmark: "Warrington 6 Dec 16 1811 788.]

No.26	From J. Gorst,	To A. Nicholson,	18 Dec 1811
C	Preston	Warrington	

Before he passes a copy of his letter dated 16 Dec 1811 (No.25)
to Lilford, Gorst wishes to know whether Nicholson's committee
"will candidly and specifically state their particular Expecta-
tions or whether the prayer of the Bill ... is its full extent
and meaning to be answered".

No.27	From Rev. R.A. Rawstorne	To J. Gorst,	21 Dec 1811
0	Warrington Rectory	Preston	

Rawstorne returns the draft answer with "one or two trifling
alterations at Mr. Bordman's request". He suggests
arrangements for a possible meeting.

No.28 From J. Gorst, Preston To Messrs. Forster, 23 Dec 1811
C Cooke and Frere,
Lincoln's Inn

Gorst asks for a Commission, naming himself as one of the Commissioners and gives three other names.

No.29 From J. Gorst, To A. Nicholson, 23 Dec 1811
C Preston Warrington

Gorst informs Nicholson that he is sending to London for a commission for "Defts* Rawstorne and Boardman (*sic*)" to be held at Wigan on Monday 6 Jan 1812.

**ie* defendants.

Cross reference: Letter No.28.

No.30 From Forster, Cooke and To J. Gorst, 2 Jan 1812
O Frere, Lincoln's Inn Preston

Re request for commission, the Chancery offices are shut so that they are unable to send a Commission.

Cross reference: Letter No.28.

No.31 From Forster, Cooke and To J. Gorst, 14 Jan 1812
O Frere, Lincoln's Inn Preston

They give notice that they are sending the Commission for R.A. Rawstorne and W. Bordman by the morning's mail.

No.32 From J. Gorst, To A. Nicholson, 16 Jan 1812
C Preston Warrington

Gorst asks whether Nicholson's client will require six days' notice to be given to their representative on the Commission or whether they will be satisfied without due notice.

No.33 From A. Nicholson, To J. Gorst, 17 Jan 1812
O Warrington Preston

Nicholson agrees to waive requisite notice, adding that their representative may not be able to attend, but that the commission can proceed without him. Referring to a previous

letter (No.26), he states that the disposition of the Warrington Committee seemed to be "to keep in view the prayer of their bill as much as possible".

No.34 From A. Nicholson,
O Warrington

To J. Gorst,
Preston

29 Feb 1812

It has been discovered that the Answers of Rawstorne and Boardman, although taken at Wigan on 20 Jan, had not yet reached the Court. Nicholson continues: "In conducting this suit, I feel conscious that every fair professional Indulgence has been granted by me to these Defendants and Lord and Lady Lilford, & I am sorry to observe that I do not think my Clients have met with such a return as they had a right to expect. Where the fault of the delay rests I cannot say, but I now feel myself called upon to use every compulsive measure in my power to bring the Defendants into Court".

No.35 From A. Nicholson,
O Warrington

To William
Rawstorne*, Preston

29 Feb 1812

Nicholson recounts that an Attachment had been lodged against Rawstorne and Bordman last September but that no complaint had been made since assurance had been given that the matter was in hand. He had been informed that day that no Answers had come to Court and "that matters, for ought appears to the contrary, remain as they have done for months past". He felt that he had shown "every fair and reasonable liberality" but that his duty to his clients "will not permit me any longer to suffer further delay. It is extremely irksome to me to trouble you on this subject but unless the Answers are immediately filed, I must ... call upon the Sheriff for a return of the Writ".

[* William Rawstorne was Under-Sheriff and brother of R.A.Rawstorne.]

No.36 From J. Gorst, Preston
C

To A. Nicholson,
Warrington

3 March 1812

Gorst records that the Answer of Rawstorne and Bordman was taken at Wigan and delivered by him to their Counsel's clerk in Chancery. He promises to communicate with Forster, Cooke and Frere and to send them a copy of the letter by the evening's mail.

[There is no copy of Gorst's communication to Forster, Cooke and Frere.]

No.37 From Forster, Cooke and
O Frere, Lincoln's Inn

To J Gorst,
Preston

5 Mar 1812

Some errors had occurred with the Answer of Rawstorne and Bordman: "Some mistake or neglect on the part of our clerk in Court that it was not filed. It is however now on the file."

No.38 From Forster, Cooke and
O Frere, Lincoln's Inn

To J. Gorst,
readdressed:
Bridge Inn, Bolton

21 June 1813

They report that they have laid the pleading before Mr. Wetherell whose opinion they now enclose. It was important to get evidence and witnesses' names and names of Commissioners.

Report of Chas. Wetherell: He thinks that Lord and Lady Lilford should prove the appointment made by those persons under whom they now claim title of appointment.

Also Rawstorne and Bordman should go into evidence "to disprove the charges of misconduct stated in the Information to shew that the Inhabitants might send their Children to the School if they thought fit and that the deft Boardman (*sic*) is competent and willing to attend to the duties of the School if it were more numerously attended".

No.39 From J. Gorst,
C Preston

To Messrs.Forster, 26 June 1813
Cooke and Frere,
Lincoln's Inn

Gives information of names of Commissioners, dates of schoolmasters.

"The Instruments of Appointment will hardly be to be found".

Suggests licences etc. at Bishop's Court at Chester.

"I should hope it will not be necessary to lay open and expose the general Title of Lady Lilford to the School but, that proof of the above Appointments* either by Documents if they exist or by Reputation of Old People in Warrington will be deemed sufficient".

"There will be no Difficulty in disproving the Charges of Misconduct and of shewing the perfect Competency of Mr. Bordman to conduct the school. It will be altogether impracticable to collect the Evidence".

* viz: of Hayward and Owen.

No.40 From J. Gorst,
C Preston

To Rev.R.A.Rawstorne, 2 Jul 1813
Warrington

[Encloses a copy of Wetherell's opinion.]

Gorst asks for further information:

Re the tenures of Hayward and Owen*: "the proof of which may be sufficient to make out the first Point and for which Purpose I will thank you to search the School ... Miss Hayward who lives in Preston can but just remember her father being Schoolmaster". Otherwise, he will write to Chester.

" ... and in the Absence of all Documentary Evidence perhaps general Reputation from the Evidence of any of the old Inhabitants of Warrington who knew Mr. Hayward and Mr. Owen and by whom they were appointed may be held sufficient. Will you have the goodness to seek out such old Inhabitants. The

Competency of Mr. Boardman (*sic*) to teach and his general good conduct will best be made out first by Mr. Valpy's Testimonial** ... and then by the Testimony of Persons in Warrington or the neighbourhood who have sent their Children to the School. Two or three of these Persons you can perhaps find without Difficulty".

Gorst will arrange for a Commission, for the examination will be opened at Warrington "as the most convenient place".

* their joint tenures lasted 84 years.

** copy in Appendix VII.

No.41	From Rev. R.A. Rawstorne,	To J Gorst,	12 Jul 1813
0	Rectory at Warrington	Preston	

Rawstorne was unable to find anything in the school papers re previous appointment "except a memorandum in my own writing, viz 'About the year 1723 Thos. Hayward, Clerk, was appointed Master by Richard Atherton, Esq. Mr. Hayward died in 1757 when Rev^d Edw^d Owen was nominated Master by the Atherton family'". He was unable to remember the origins of the note.

Re Mr Bordman: Rawstorne had Dr. Valpey's Testimonial in his possession. "Two or three parents who have sent their children to the School may I think be procured to testify their satisfaction at the progress their children have made. There has seldom been more than one Town boy at a time. I shall be glad to know whether Parents of Boys who have been at the School can be compelled to appear and give their Testimonies before the Commissioners. The Parents of Boarders I presume will not answer the purpose".

[Postmark: "Warrington 12 Jy 12 1813 188".]

No.42 From Messrs. Forster, To J. Gorst, 23 July 1813
O Cooke & Frere, Lincoln's Inn Preston

They promise to send by evening mail the Draft and Interrogation for witnesses on behalf of Lord and Lady Lilford, R.A. Rawstorne and W. Bordman. They ask Gorst to alter them "as circumstances may require and then have them engrossed". They add a PS: "Since writing the above we find that the Commission was sealed this Morning".

[On the outside of this letter, Gorst wrote: "26 Aug wrote for Commission. 18 Sep rec^d Commission".]

No.43 From Messrs. Forster, To J. Gorst, 31 Aug 1813
O Cooke and Frere, Preston
Lincoln's Inn

They advise that "the other side (who did not attend)" had made no objection to the Commissioners. The Commission was "under seal".

"We hope to receive it in a day or two".

No.44 From Messrs. Forster, To J. Gorst, *18 Sep 1813
O Cooke and Frere, Preston
Lincoln's Inn

They enclose Commission for the examination of witnesses.

[* See Gorst's note on Letter No.42.]

No.45 From J. Gorst, To W. Ward, 24 Sep 1813
C Preston Bishop's Registry,
Chester

Gorst asks for a search for evidence of the appointments to schoolmaster of Hayward, Owen and Rawstorne.

[See Letters Nos. 40 and 41.]

No.46 From W. Ward, Bishop's
O Registry, Chester

To J. Gorst,
Preston

28 Sep 1813

Ward replies in his father's absence, giving details of the nominations of Hayward, Owen, Rawstorne, and adds details of Tatlock.

"The licences are never kept at Chester but by the Act Book it appears they have been granted. The charge with Pge* is 14/0".

* *ie* postage.

No.47 From R^d Hodgkinson*,
O Atherton

To J. Gorst,
Preston

Hodgkinson is unable to give further information *re* the School. He had met Lilford and Rawstorne at Bewsey.

[Postmark: "Bolton 7 Oct 7 1813 203".]

* Lord Lilford's Agent.

No.48 From J. Gorst,
C Preston

To Rev. R.A. Rawstorne,
Warrington

8 Oct 1813

Gorst wishes to get the Commission for the examination of witnesses set in the course of the month. He asks for answers to the questions that he gave when they last met.

Re the record of nominations: " ... but we must still, if they can be discovered, pursue the Instrm^{ts} of Nominⁿ and Appointment as well as the Entry in Record".

No.49 From Rev. R.A. Rawstorne,
O Rectory, Warrington

To J. Gorst,
Preston

10 Oct 1813

Rawstorne refers to Gorst's questions. He had been unable to meet anyone "who has a perfect recollection of the School Buildings before Mr. Owen first began his alterations. Do you therefore think it w^d be sufficient if a statement was made of the building in its present state, in order to prove that it is

convenient for the purposes for which it is intended.

... George Pickton, Carpenter will be the most proper person to certify that the Buildings have been put into a complete state of repair ... "

He gives information *re* his own appointment, in his possession. Owen's papers were left "in the possession of Mr. Lloyd*". In view of the discovery of the appointments at Chester**, Rawstorne questions the need for further information.

Bordman wanted more time to consider his Answers.

* Rev. E. Lloyd - Owen's executor.

** See Letter No.46.

No.50	From W. Ward, Bishop's	To J. Gorst,	19 Oct 1813
0	Registry, Chester	Preston	

"The only subscribing witness to Lord Lilford's nomination of the Rev^d Mr. Rawsthorne (*sic*) to the School at Warrington appears to be *John Selby* as I think it is the two last letters of the latter word are obscurely written ... Search 7s/6d."

No.51	To W. Ward, Bishop's	From J. Gorst,	25 Oct 1813
C	Registry, Chester	Preston	

Gorst informs Ward that the Commission out of Chancery is to be sat at the George Inn in Warrington on 2 Nov 1813 at ten o'clock, to prove the nominations as Schoolmaster of Tatlock, Hayward, Owen and Rawstorne. He asks that Ward's son or one of his clerks will attend "in good time" with records or extracts of the nominations, "also the instrument of appointment of R.A. Rawstorne by Lord Lilford".

No.52 From J. Gorst,
C Preston

To Sir Robert Peel 25 Oct 1813

Gorst advises Peel of the Commission Out of Court *re* Lilford's right to nomination of the Schoolmaster on 2 Nov 1813* and asks him to instruct "Mr. Norris your agent at Bury" to attend with Lilford's marriage settlement or to send it to him [Gorst] "by some confidential hand".

* *see* Letter No.51.

No.53 From Rev.R.A.Rawstorne,
O Bank Hall, Warrington

J. Gorst,
Preston

26 Oct 1813

Rawstorne encloses Bordman's answer *re* "gentlemen to be examined ... before the Commission", and asks Gorst to deal henceforth direct with Bordman.

No.54 From J. Gorst,
C Preston

To T. Norris [Bury] 27 Oct 1813

Re the indentures required at the Commission, Gorst informs Norris that expenses for the journey will be met by him*.

* *See* Letter No.52.

No.55 From W. Ward, Bishop's
O Registry, Chester

To J. Gorst,
Preston

27 Oct 1813

Confirms that "one of his Clerks attends at Warrington according to your Instron".

[Postmark: "CHESTER 27 Oc 27 1813 190".]

No.56 From [M O'D] Evans*
O

To J. Gorst,
Preston

28 Oct 1813

Hopes to attend the Commission concerning the Warrington School.

* [illegible]

No.57 From T. Norris, Bury To J. Gorst, 1 Nov 1813
0 George Inn, Warrington

Norris acknowledges Gorst's request for the deed of Lilford's settlement*. One of their young men will be the bearer and will "deliver them safe and will wait while they are at liberty to be returned".

[Lilford's marriage settlement was enclosed.]

* See Nos.52 and 54

No.58 From W. Ward, Bishop's To J. Gorst 1 Nov 1813
0 Registry, Chester [Warrington]

Ward informs Gorst that the bearer attends with "all the Documents that we have relative to Warrington School", and asks for a payment of £3:17:10.

No.59 From J. Gorst, To Messrs. Forster, 2 Nov 1813
C Warrington Cooke and Frere,
 Lincoln's Inn

Gorst advises that he will send the commission "which is just closed ... by this Nights Mail". The representatives of the Appellants will instruct their Clerk in Court to consent to it "without oath" and also that the Deposition of Dr. Blackburne Warden of Manchester College, a Defendant, shall be read in Evidence.

No.60 From J. Gorst, Preston To Messrs. Forster, 11 Nov 1813
C Cooke and Frere,
 Lincoln's Inn

Gorst sends exhibits which "may probably be useful at the Hearing or before the Master, if the Case be referred ... The character and abilities of Mr. Boardman (*sic*) will hardly be doubted and I presume that the question will ultimately be limited to the single point whether the nomination of Mr. R. Rawstorne who has not acted in the practical Duties of the School can be supported as a proper and efficient nomination".

[Details of list in Appendix V.]

No.61	From Messrs. Forster,	To J. Gorst,	4 Feb 1814
0	Cooke and Frere,	Preston	
	Lincoln's Inn		

They express surprise at the deposition of one of the Defendant's witnesses, Peter Newton, who had stated that Bordman had made demands for financial rewards

No.62	From J. Gorst, Preston	To Messrs. Forster,	7 Feb 1814
C		Cooke and Frere,	
		Lincoln's Inn	

Gorst defends himself against the implied accusations of Letter No.61. "The witness ... was a perfect stranger to me. His name was given in by Mr. Boardman (*sic*)". He refers to the condition laid down in the original Foundation Deed, that grammar was to be taught freely without taking stipend or schoolhire, adding "yet in the very next sentence the Schoolmaster is authorised to take of any Scholar learning Grammar four pennies by the year, *viz*: in the Quarter next after Xmas, a cock-penny ... now I have a notion that it might be the Practice of Mr. Boardman to make out his little Demands in the Form presented by Mr. Newton leaving to the Parents of Children to fill up the Blank or not as they pleased and I sho^d not construe such a paper as an Exaction or Demand for Schoolhire however Mr Newton may fancy that his Liberality has suffered by Mr. Bordman's Expect^{ncy}". He expresses the opinion that the confusion over the labelling of evidence to be the result of a mistake at the registry at Chester.

No.63	From J. Gorst,	To Sir Robert Peel	7 Feb 1814
C	Preston		

Gorst asks that Lilford's Marriage Settlement should be sent to Messrs. Forster, Cooke and Frere.

No.64 From T. Norris, Bury
0

To J. Gorst,
Preston

12 Feb 1814

Norris has received instructions from Sir Robert Peel*, asking for decrees to be sent to London. These will go by the day's mail from Manchester "and will be lodged with Mr. Willott No.8 Milk Street, Cheapside, on their arrival with him, he will acquaint Messrs. Forster, Cooke and Frere ... that they are in his Custody".

* See letter No.63

No.65 From Rev. R.A. Rawstorne,
0 Rectory, Warrington

To J. Gorst,
Preston

19 Feb 1814

[This letter refers to a previous meeting in which some arrangements had been made concerning Fitchett having some account and use of the School's money which was still being received by Rawstorne. See Trustees' Accounts.]

Rawstorne refers to Fitchett's application [for money] but seems reluctant to hand any over: "I should however conceive that if Mr. Fitchett gives a stamped receipt for any money paid him, at the same time specifying on what account the money is paid, it will be sufficient". He awaits Gorst's comments. "At all events I shall not feel inclined to advance a larger sum than will defray the expenses already incurred not as I think more than this can reasonably be expected, situated as I am with respect to this business, and standing in so very different a light to the generality of clients".

No.66 From J. Gorst, Preston
C Preston

To Rev.R.A.Rawstorne, 21 Feb 1814
Warrington

Gorst replies to letter No.65 with advice on further procedure. He thinks that Fitchett should call all the Trustees together for the "express purpose of considering the subject of costs -

the Rents of the School lands (presuming them to be received by the Trustees) must be considered as the proper Fund for their Indemnification. The Trustees therefore in their associated capacity sh^d order Mr. Fitchett to call upon you to defray the necessary Expences of their Defence out of the Rents of the School Lands and the Trustees by their order should also authorize you so to apply the Rents and such an order signed by the Chairman should be delivered into your Hands". He outlines a method of accountancy. He considers the chance of gaining costs as unlikely. "Being called upon as you are to defend not only yourself but the Trustees I think you should have been advised with in the outset and at every Step. The Line of Conduct you are taking is of a very different cost for you are handsomely submitting to that which (if not doubtful) would have been attended with much Trouble to the Trustees".

[The Decree of Chancery was issued on 5 Mar 1814 and had immediate effect.]

No.67 From J. Gorst, Preston
C Preston

To Rev. R.A. 10 April 1814
Rawstorne, Warrington

Gorst advises Rawstorne that he has received Minutes of the Decree and encloses a copy, drawing Rawstorne's attention to the following points which affect him personally:

- 1 He will be required to provide a rental of all the School's estates.
- 2 He will have to give information of the sums paid to Bordman as usher since 10 Jan 1810*.
- 3 He will be required to provide a list of monies expended on repairs and lasting improvements.
- 4 He will be required to provide an account of rents and profits accrued since 10 Jan 1810.

* *ie* the beginning of the case in Chancery.

No.68 From Forster, Cooke To J. Gorst, 15 Nov 1814
0 and Frere, Lincoln's Inn Preston

They give information concerning the claim for alteration in the Minutes re Defendant Clare. The Vice-Chancellor had allowed costs for Rawstorne and Bordman.

No.69 From Rev. W. Bordman To J. Gorst, 7 Apr 1815
0 School Brow, Warrington Preston

Bordman writes concerning his salary, asking for an appeal to Lilford since no augmentation can be made until the appointment of the Schoolmaster.

No.70 From J. Gorst, Preston To Rev. W. Bordman, 10 Apr 1915
0 Warrington

Gorst's reply to Letter No.69. He has sent a copy of Bordman's letter to Lilford, but points out that Lilford has no control over rents and profits; Bordman should apply to the Trustees for augmentation of salary, pointing out the inadequacy of his present salary. "Lord Lilford's right is a right to a bare nomination. ... The salary or augmentation of the salary of the Schoolmas^{ts} rests with the Trustees exercising at all times a sound discretion for the benefit of the Trust under the review and control of the Court of Chancery".

No.71 From Lord Lilford, To J. Gorst, 15 Oct 1815
0 Lathom House Preston

Lilford replies to Gorst's communication re Bordman's salary. As far as Lilford knew, Bordman's salary heretofore " ... was nothing but a matter of agreement between Mr. Rawstorne and himself and did not arise from his office as Schoolmaster, as properly he was nothing more than Mr. Rawstorne's assistant".

Bordman's present salary must depend "on the ultimate arrangement to be made under the direction of the Court". He asks for Gorst's opinion on the judgment of the Court and for an indication of the limits of his authority in the appointment of schoolmaster. Lilford asks for guidance on the correct value of the stamp required on the document of appointment.

No.72	From Rev. W. Bordman,	To J. Gorst,	16 Oct 1815
0	School Brow, Warrington	Preston	

Bordman informs Gorst that his salary (as Usher) was £157.10.0.

No.73	From J. Gorst, Preston	To Lord Lilford	21 Oct 1815
C			

Gorst replies to Lord Lilford (Letter No.71). He points out that it is not easy to define the precise right of parties "or to know correctly in the present suspended state of the affairs of this School, tho' enough may probably be collected from the proceeding in Chancery to justify your Lordships appointment of Mr. Bordman and to establish a Criterion for the purpose of paying the *ad valorem* Duty on the appointment". The Chancellor "by his interlocutory Decree" had confirmed Lilford's right "to appoint from time to time the Master of the School". He (the Chancellor) directs the Master in Chancery "to consider and approve a proper scheme for carrying the Charity into Execution*" on the application of rents and profits of the estates "consistently with the Intention of the Founder".

Furthermore, it had been decreed that Rawstorne "by accepting the office of Rector of Warrington vacated and disqualified himself from holding the office of Schoolmaster". Also, Bordman "shall be at liberty to Officiate as Master of the School until a proper person be appointed to the office and

the salary at present paid to him** continued so long as he shall so officiate and until a new appointment". The amount of stamp duty would reflect the amount of salary: Bordman's present salary was £157.10.0. and therefore he could not receive less than that. Any salary of £100 and less than £200 required a £6 stamp, and "without relying too confidently in my own judgm^t I have referred to a professional friend who thinks with me that we sho^d not hazard the appointment on a stamp of less value ...".

* *ie* the Rules and Regulations of 1820.

** Gorst's underlinings.

No.74 From Messrs. Forster,
O Cooke and Frere,
Lincolns Inn

To J. Gorst,
Preston

17 Feb 1817

[This letter is a follow-up of the requirements of the Decree in Chancery.]

Concerning the Relation of the Cause, they are about to file interrogatories for the examination of Rawstorne "in order to take the Account of Rents ... as directed by the Decree". They ask Gorst to get from Rawstorne his Account of Receipts and Payments from 10 Jan 1810 to enable them to prepare his Examination.

The Decree directs that "enquiry is to be made whether any and what sums have been laid out by him in Repairs and lasting Improvements in the School House and Buildings since ... 10 Jan 1810". Bordman had already sent details of "several Sums expended". They think that there cannot be any Objection to their being incorporated in his Account "as having been done with his *privity".

* *Privity*: in Law: Any relation between two parties recognised by law, *eg* that of blood, covenant, tenure, lease, service, etc.; mutual interest in any transaction or thing (OED).

No.75 From Rev. R.A. Rawstorne,
0 Rectory, Warrington

To J. Gorst,
Preston

27 Feb 1817

Rawstorne expects to be in the neighbourhood of Preston "the week after next ... where I will wait upon you and bring the accounts requisite ... As business in the Court of Chancery usually moves so slowly, I conclude they will then be in ample time".

No.76 From J. Gorst, Preston
C

To Messrs. Forster,
Cooke and Frere,
Lincoln's Inn

25 Mar 1817

[This letter follows Rawstorne's visit to Gorst at Preston.]

Rawstorne had visited Gorst on the previous day; Gorst sends Rawstorne's receipts and payments. Rawstorne had expressed his willingness to help Bordman to get his charges, "but at the same time desired me to observe that he co^{ld} not go to the length of saying that they had been incurred with his privity". Thus Gorst thought that each account should be spoken to by the party incurring the expenditure. With reference to the Minutes of the Decree, Gorst did not find "that they extend to Mr. Bordman's Expenditure".

No.77 From Messrs Forster,
0 Cooke and Frere,
Lincolns Inn

To J. Gorst,
Preston

26 Sep 1817

They enclose the draft of Rawstorne's Examination and ask for corrections.

No.78 From Messrs. Forster,
0 Cooke and Frere,
Lincolns Inn

To J. Gorst,
Preston

30 Oct 1817

"We beg the favour of you to hasten the Completion of Mr. Rawstornes Examination as the other parties will be calling for it on the first day of Term which is near at hand".

No.79	From J. Gorst, Preston	To Messrs. Forster,	1 Nov 1817
C		Cooke and Frere,	
		Lincoln's Inn	

Rawstorne was unable to state the days of the actual Reservation of the rents to set for the second schedule. He can give the amounts received and rents.

"My residence being 30 miles from Warrington, if a Councillr. to take the Examination be necessary it has best be directed to some Gent. of the profession in Warrington".

No.80	From Rev. R.A. Rawstorne,	To J. Gorst,	3 Nov 1817
O	Nutton, Hull	Preston	

Rawstorne has sent the papers relating to the Grammar School "which I conclude to be the whole that you require for Messrs. Forster, Cooke and Frere ... When I return home I will attend to the particular you mention".

No.81	From Messrs. Forster,	To J. Gorst,	18 May 1818
O	Cooke and Frere,	Preston	
	Lincoln's Inn		

They need the vouchers for Rawstorne's payment. If Gorst is not going to town they ask that he sends them by the first coach.

Chapter VII

1814 - 1828

CHAPTER VII

1814-1828

The Post Chancery Years, 1814-1820

The period 1814-1820, during which further instructions for the conduct of the School were awaited, was referred to by Gorst as "the present Suspended State of the affairs of the School" (Letter No.73), so that it was difficult to define the precise rights and duties of the parties concerned, the patron, the trustees, the schoolmaster. This period was an interim which ended in the publication of "Rules and Regulations for Conducting the Free School at Warrington ... called Boteler's Free Grammar School¹ ... ", which was, in effect, a further foundation document of the Charity. This period was the time for far-reaching innovations in the management of the school; for example, as an immediate effect of the Court's decision that the joint offices of rector and schoolmaster were incompatible, Rawstorne was required to resign the mastership immediately and Bordman was authorised to take his place until some further appointment could be made. Furthermore, Rawstorne and Bordman were required to furnish accounts of the use of the Charity's moneys from 10 Jan 1810 onwards (*i.e.* from the date of the submission of the bill to Chancery) and the Trustees had to produce accounts for the Charity's funds from 5 Mar 1814 and to appoint a "person ... to collect and receive the Rents and profits of the ... Charity Estates"². Thus there was here a considerable break with existing practice: the schoolmaster was to be accountable for what moneys he had received and would henceforward not be in receipt of the Charity's funds. The appointment of an

"official receiver" who was to be accountable for the funds marks the introduction of the professional administrator into the managerial structure of the Charity. This innovation was to be extended still further when, from 16 Oct 1820, detailed minutes of the Trustees' meetings were to be kept³. Furthermore, the Trustees were from that date accountable to the Court of Chancery for their actions and it is clear that thenceforth the Trustees supported their decisions either by specific reference to the "Rules and Regulations" or, failing those, by direct communication with the Master in Chancery.

The appointment of Bordman to succeed Rawstorne to the office of schoolmaster did not take place until 26 Oct 1815⁴. During the interregnum Bordman officiated as Master, as was authorised by the Decree of Chancery⁵. Before his appointment as Master, Bordman had been concerned about his salary and had written to Gorst (No.69, 7 Apr 1815) asking him to intercede on his behalf with Lilford, since it had been said that there could be "no augmentation" (*ie* increase) in his salary until the appointment of schoolmaster had been made. Gorst sent a copy of this letter to Lilford and replied (without as then any answer from Lilford) on 10 Apr 1815 (No.70) in a letter which defined the function of the Patron. According to Gorst, Lilford had no control over the profits and rents and recommended that Bordman apply to the Trustees, pointing out the inadequacy of his salary: Lilford's right was "a right to a bare nomination". Gorst thought that the "salary or augmentation of the salary of the Schl^m" rests with the Trustees exercising at all times a sound discretion for the benefit of the Trust under the review and control of the Court of Chancery". A clearer pattern of the three parts of the administrative structure was beginning to emerge, with the requirement of accountability to Chancery. Lilford's reply (Letter No.71) to the question of Bordman's salary illustrates his view of

his own function as Patron. The salary of the Usher was, he averred, " ... nothing but a matter of agreement between Mr. Rawtorne and himself (*ie* Bordman) and did not arise from his office as schoolmaster, as properly he was nothing more than Mr. Rawstorne's assistant". (The structure "nothing more than" suggests Lilford's view of the social position of an usher in a school.) He continued that Bordman's "present salary must depend on the ultimate arrange[ment]⁶ to be made under the direction of the Court". Lilford then asked for Gorst's guidance on the judgement of the Court, with special reference in the matter to his authority in the question of the appointment of the schoolmaster. This last question suggests a reason for Lilford's delay in appointing a successor to Rawstorne.

Gorst's reply (Letter No.73, 21 Oct 1815) was an interpretation of the Court's Decree with special reference to the management of the school in so far as Lilford was concerned. Gorst expressed the opinion that it was not easy to define the precise rights "or to know correctly in the present suspended state of the School tho' enough may probably be collected from the proceeding in Chancery to justify Lilford's appointment of Bordman" and to establish a Criterion for the purpose of paying the *ad valorem* Duty on the deed of appointment (Lilford had, in his letter, been concerned to arrive at the correct amount of stamp duty, thus avoiding any further challenge to the legality of the appointment.) Gorst replied that "the Chancellor by his interlocutory⁷ Decree" had confirmed Lilford's right "to appoint from Time to Time the Master of the School". He then extended his theme: the Chancellor had directed the Master [in Chancery] "to consider and approve a proper scheme for carrying the Charity into Execution" by the application of rents and profits of the estates "consistantly with the Intention of the Founder". The Chancellor had also decreed that Rawstorne "by accepting the office of Rector of

Warrington vacated and disqualified himself from holding the office of School Master". Bordman was to be at liberty to officiate as Master of the School until a proper person be appointed and the salary then being paid to him was to continue "as long as he shall so officiate and until a new appointment". As Bordman's salary was £157.10.0. per annum, he could not receive less. On this fact, Gorst was able to advise on the correct level of stamp duty. Thus Lilford was satisfied that he was entitled to appoint a schoolmaster and he duly appointed Bordman on 26 Oct 1815.

Meanwhile, further requirements of the Court of Chancery were being effected. On 17 Feb 1817, Forster and Co informed Gorst (Letter No.74) that they were about to file the interrogatories for the examination of Rawstorne "in order to take the Account of Rents ... against him as directed by the Decree" and asked Gorst to get from him [Rawstorne] his accounts of receipts and payments from 10 Jan 1810, to enable them to prepare his examination. They drew his attention to the requirement that enquiry was to be made "whether any and what sums have been laid out by him in Repairs and lasting improvements in the School House and Buildings since ... 10 Jan 1810". Bordman had already sent details of "several Sums expended". They [Messrs Forster & Co] were of the opinion that there could not be any objection to these sums "being incorporated in his [Rawstorne's] Account as having been done with his privity"⁸. Rawstorne's reply on 27 Feb 1817 (Letter No.75) concerning these requests was that he was expecting to be in the neighbourhood of Preston "the week after next", when he would visit Gorst and bring "the accounts requisite", adding " ... As business in the Court of Chancery usually moves so slowly, I conclude they will then be in ample time".

In the event, Rawstorne visited Gorst almost a month later (24 Mar

1817), so that Gorst was able to send the receipts and payment on 25 Mar 1817 (Letter No.76) with some indication of the extent to which Rawstorne would allow Bordman's claims to be included with his. Rawstorne was willing to help Bordman to get his charges, "but at the same time desired me [Gorst] to observe that he co^{ld} not go to the length of saying that they had been incurred with his privity". Gorst thought that each account should be spoken to by the party incurring the expenditure. He did not think that the minutes of the Decree extended to Bordman's expenditure.

Rawstorne certainly acted in keeping with his view of the slow pace of Chancery (*see* Letter No.75), for it was not until 26 Sept 1817 (Letter No.77) that Gorst was able to send a draft of Rawstorne's Examination. By 30 Oct 1817 (Letter No.78) Messrs Frere & Co were still waiting for "the Completion of Mr. Rawstorne's Examination as the other parties will be calling for it on the first day of Term which is near at hand". Gorst informed them that Rawstorne was unable to state the days of the "Reservation of the Rents"; Gorst was, however, able to give the amounts received and the rents. In his notes, Gorst adds "Clear Rent received by R.A.R. £315:4:0."⁹. He asked Messrs Forster & Co (Letter No.79, 1 Nov 1817) to arrange for a "Gentleman of the profession in Warrington" to take the Examination, since he lived 30 miles away. On 3 Nov 1817 (Letter No.80) Rawstorne (from Hull) informed Gorst that he had despatched papers concerning the Examination and that he would attend to any omissions when he returned. By 1 May 1818, however, Messrs Forster & Co. were still asking for the vouchers concerning Rawstorne's payments. There is no record to date of Rawstorne's returns to Messrs Forster & Co, but their contents may be reasonably inferred from Gorst's notes. It is recorded in the Trustees' Accounts that all rents on properties, etc., were paid to Rawstorne up to Nov

1813¹⁰. The same accounts show a calculated income of £617.14.0. per annum, the details of which are recorded in Table I¹¹.

Property and Location	Tenant	Annual Rent
Farm and Lands in Arrow, Co. Ches.	John Boskon	440. 0. 0
Farm and Lands at Rudheath, Co. Ches.	John Carter	55. 0. 0.
Chief Rent issuing from Houses in Chester	John Roberts	5. 0. 0.
Chief Rent issuing from Houses in Warrington	Josiah Clare	3. 3. 0
Lands in Wigan	Thomas Birch	40. 0. 0.
Two Farms and Lands in Tyldesley, Co. Lancs.	Duke of Bridgewater's Trustees	14. 14. 0.
Farm and Lands in Tyldesley, Co. Lancs.	Robert Smith	47. 5. 0.
Lands in Woolston, Co. Lancs.	John Massey	12. 12. 0.
TOTAL		£ 617. 14. 0.

TABLE I
Sources of the Charity's Income, 1814

From CRO SL 382/5/1

Of the state of the Free School in 1818, the Select Committee on Education of the Poor reported "A grammar school, containing at present 10 scholars; the funds are about 600/. per annum. It has been some time under the direction of the Court of Chancery by whom a gentleman has been appointed to receive the rents and pay the Master's salary, and account for the receipts to that court"¹².

"Rules and Regulations", 1820

It was the order of the Court of Chancery that John Springett Harvey, "one of the Masters of the High Court of Chancery", should enquire into certain matters concerning the running of the Free School and the Management of the Estates of the Charity with a view to producing a set of rules and regulations for their improvement. It was ordered that he "should consider and approve of a proper scheme for carrying the charity into execution and for the application of the ... rents and profits ... consistently with the Foundation Deed". Any of the parties involved, with the exception of Rawstorne, Bordman and Clare, "were to be at liberty to lay a scheme before the said Master for the purpose aforesaid"¹³. Accordingly, in 1820, a set of seventeen rules and regulations was produced "for conducting the Free School at Warrington In the County of Lancaster, called Boteler's Free Grammar School, and the Management of the Estates Belonging thereto". These rules and regulations had been approved by "John Springett Harvey, Esq., one of the Masters of the High Court of Chancery, and lately decreed and confirmed by that Court"¹⁴.

These orders fall broadly into three classes, *ie* those dealing with the duties of the Schoolmaster and his entitlement to assistance (*viz.* ushers) (Nos.1-4); those dealing with the internal management of and provision for the School, *ie* its accommodation, the organisation of schooldays and holidays, the admission of scholars and their conduct, the provision of equipment (Nos.5-12); the management of the property and estates of the charity, *ie* the provision of the Master's house, the responsibilities of the Trustees, and the management and recording of their transactions, *ie* finance and letting (Nos.13-17). Each of these sections is now

dealt with in detail.

It is clear from the beginning of the Orders that the Court of Chancery had regard for the requirements of the original Foundation Deed wherever this was possible and applicable. Thus their first statement of the Master's duties was that he should diligently apply himself to the duties of his office in "the education and instruction of the scholars ... by teaching them grammatically the learned languages"¹⁵. The office of schoolmaster was clearly not to be regarded or treated as a sinecure. With the possibility of an increase in the numbers of scholars, (the Complainants had pointed to the increase in the population of Warrington), the Master was to be allowed to appoint an "Usher or Ushers ... duly qualified to teach grammatically the learned languages", but with the proviso that he was to have "the approbation of the Trustees ... " for such appointments. The Foundation Deed had not envisaged the need for such assistance. Two of the concerns of the Warrington citizens are seen in these provisions. The Master's duties are so worded that he was personally involved in the "education and instruction of the scholars". Rawstorne's arrangement was no longer possible; the function of the Usher was specifically to assist the Schoolmaster, not to replace him. Next, there was the acknowledgement that the number of scholars might increase as a result of the expanding population of Warrington¹⁶, thus rectifying an unsatisfactory use of the resources of the Charity and aiming at a restoration of its rightful social function.

Yet another requirement of the citizens was provided for in Order No.2 with the appointing of a Writing Master to teach Writing and Arithmetic. Although this was an official sanction for an extension of the curriculum, there was the specific instruction that it was to be taught "at such hours as will not interfere with the [scholars']

grammatical learning"; the original purpose of a "grammar school" was not to be changed.

Having authorised the establishment of the School's staff, the orders then passed on to their remuneration (Order No.3), an order which was frequently referred to in the coming years. The Schoolmaster was to be paid by the Trustees, out of the rents and revenues of the Charity's estates, "the clear annual sum of Three Hundred Pounds". This was a break with tradition, when, for many years, the Master had decided, it would appear, on his own reward, leading to a situation in Owen's time when the issue had become so indeterminate that it was impossible to resolve. There followed a proviso for the payment of an increment when the Free Scholars exceeded thirty in number¹⁷. The amount of this increment was not to exceed one half part of the "clear" annual surplus "of the rents and revenues ... after payment of all salaries charges and expenses payable thereout". The Usher was to be paid by the Trustees out of the rents and revenues at an "annual stipend or salary", being not less than £60 and not more than £100 individually, "as the Trustees ... shall think proper". This was another innovation; the Usher was no longer the employee of the Master at a salary arrived at by mutual arrangement; he was the employee of the Trustees, with all that that implied. Similarly, the Trustees were to pay the stipend of the Writing Master which was annually not less than £40 and not more than £60. In comparison, the salary of the High Master of St. Paul's was (in 1818) £618 p.a. "together with a spacious House. There is also a House appropriated to the High Master at Stepney, besides the House in the Church-yard, which is a trifling emolument"; the Sur Master received £307 p.a. plus a house; the Under-Master received £227 p.a. plus a house; the Assistant Master received £257 p.a., showing a total bill for Masters' salaries of £1,409, with further perquisites.

At Manchester, the High Master's salary was £420 p.a. plus a "good house" and free of rent and taxes. At Bolton, the salary was not to be less than £80 p.a. and the Usher's salary not less than £40 p.a. At Burnley, where the Master was also Assistant Curate, the salary was £130 p.a. At Clithero the Master received £200 p.a. and the Usher £100 p.a. At Cartmel and Chorley the salaries were £150 each p.a. At Leeds, the Headmaster received £500 p.a. plus "a very good House". At Sheffield the salary was £60 p.a.¹⁸ The salary at Warrington was comparatively generous, since there was also a house and a "little Croft".

According to Order No.4, the Master was to have "full power and authority to order and direct" the Ushers, although he himself was in this matter subject to "the rules and orders of the Trustees". The Master was to "displace, remove or discharge any Usher on account of neglect of duty, incapacity, immorality, or other reasonable cause". In the event of a complaint being made against the Master, the Trustees were to "examine into the subject matter of such complaint" and, if it was accepted, they were to "exhibit such complaint in writing with their opinion thereon ... to the Patron ... in order that he may act therein pursuant to the tenor of the Foundation Deed ... "19.

By these four orders, changes in the conduct and management of the School and Charity were made. In addition to those already noted, there was an overall operational change in the structural scheme of the institution. The Trustees, who hitherto seem not to have been much involved in the management of the School, were called upon to play a more active role. They were to assume responsibility for the stipends of the Master and Ushers, for considering any complaints against the Master and for taking the necessary action in such a situation. The Master's functions were defined and further

constructed. He was no longer the manager of the revenues of the Charity. His stipend was fixed by the Court of Chancery and paid by the Trustees who also paid the Usher. His actions were restricted by such a phrase as "with the approbation of the Trustees", who, in turn, were answerable to Chancery. The Patron, in addition to nominating a Master, also had responsibilities if the master was unsatisfactory.

Orders Nos.5-12 range over the many different elements and activities which collectively make the day-to-day life of a school, from the provision of adequate accommodation to the regulating of hours of attendance, the method of admissions, dress, the extent of holidays, provision of books and equipment. It was ordered (Order No.5) that the school-room then in use should continue then to be the place in which the Free Scholars were to be taught, thus putting an end to the controversy surrounding the building work of Edward Owen, a complaint which had been raised at the time of the case in Chancery, although this was probably intended to demonstrate the extent to which the original Foundation provisions had been tampered with rather than to be taken as a serious objection. At the same time, the Regulations made provision for the possible increase in the number of Scholars, by empowering the Trustees "to enlarge the ... schoolrooms, or to make any additions or new erections ... so that the schoolrooms may at all time be fully adequate to the purpose of teaching and instructing the free scholars ...".

In order No.6, the hours of the school-day were specified. From Lady-day (25th March) to Michaelmas-day (29 Sept), the School was to begin at 8 a.m. and from Michaelmas-day to Lady-day at 8.30 a.m. and, in both instances, to continue until 12 noon²⁰. The afternoon school was to begin at 2 p.m. and finish at 5 p.m. except on Wednesdays and Saturdays which were to be holidays. The order concerning daily

prayers and religious teaching (Order No.7) brings out clearly the radical changes in religious thinking and practice which had taken place since 1526. At the daily opening and closing of the School, the Master was to read "appropriate Prayers to be selected from the Liturgy of the Church of England". (The Master was permitted to direct this to be done by an Usher or Free Scholar.) The Master "by himself, or with the assistance of the Usher ... ", was to instruct the Scholars "with due diligence" in the principles of the Christian Religion "according to the Liturgy of the Church of England, and for that purpose shall cause the ... scholars to learn and repeat, and shall explain to them, the Church Catechism"²¹.

Concerning holidays (Rule No.8) there were to be no intermissions "except for four weeks commencing on the Mondays next preceding the 24th day of June and the 24th day of December ... unless in the case of an infectious or epidemical disease or other urgent necessity ... ". Scholars were not to be absent without the Master's permission and then only for "sickness or other inevitable cause or impediment". Without permission, absenteeism could lead to dismissal from the School.

Rule No.9 dealt with two closely connected subjects. The first concerned the admittance of Scholars: the minimum age was to be seven. The Order then established that those who were "intitled to be educated there" were to be admitted by the Master and instructed without fee or reward, except for the four pennies mentioned in the Foundation Deed. This point was then elaborated upon, since it had been important in the case in Chancery. The Master and Usher were not to take any "entrance money, or other gratuity ... from the parents of any such boys, or any person in their behalf, on any pretence whatsoever" (*cf* with the accusations brought against Bordman).

Rule No.10 required that the Master should keep "a regular and correct register book". It was to contain the name and age of every boy admitted as a Scholar, with a record of his dates of admission and leaving²². This book was to be available at any time for the inspection of the Trustees.

Rule No.11 required that "each scholar shall appear at school clean and decently clothed". In addition, the Master was not to admit "any boy having any infectious or offensive disease". Rule No.12 placed the obligation on parents and friends of the scholars to provide and pay for "all books, pens, ink, paper and slates requisite for the ... scholars".

This group of rules (Nos.5-12) was designed to provide a framework within which the School could daily function smoothly, eliminating the time-wasting need for constant confrontations about the subjects with which it dealt. The rules set out the conditions of entry, the times and conduct of a school day, the conditions of attendance and, firmly and unequivocally, the question of payment.

Rules Nos.13 to 17 related to the care and management of the Charity's property and the ordering of a system within which the Trustees could function regularly. Rule No.13 made provisions for the occupation, maintenance and security of the school house, its outbuildings and surrounding land. In addition to his salary, the Master was to "hold and enjoy the possession and occupation of the school house with the outbuildings, garden and land thereto adjoining and belonging" rent free. He was, however, to be responsible for their maintenance, for repairing window-glass, papering, painting and whitewashing the interior parts of the house and outbuildings and "the whitewashing of the schoolrooms at least once in each year, and keeping the same in clean order, and properly supplied with fires during the winter season²³. The Master was not allowed to "set, let,

or otherwise part with the possession of the schoolhouse, garden, land, and premises and schoolrooms²⁴. On the contrary, the Master was to occupy these premises and land himself "and not to be absent therefrom without reasonable cause"²⁵.

Rule No.14 dealt with the managing of the Charity's estates and the recording of and accounting for the Charity's income and revenues. The Charity's estates, with the exception of the School and its surroundings, were to be let by the Trustees for terms not exceeding 11 years, "at ... fair improved annual rents" which were to be collected by the Trustees ... "or by such person or persons as they ... appoint"²⁶. That person was to be paid a salary "not exceeding one shilling in the pound on the rents reserved". The Trustees were also empowered to use these revenues for the reparations and improvements to the Charity's estates and the school and school-house, for the payment of taxes and legal fees and for any casual expenses as might arise. They were permitted to have "in the hands of their receiver such a sum as they may think necessary to answer the current expenses of the trust". For his part, the receiver was to collect the rents and profits of the estates, "and obey the directions of the Trustees in all respects in the application thereof* and in the management of the same estates". The orders and proceedings of the Trustees were to be registered in a book "to be kept for that purpose"²⁷. It was further ordered (Rule No.15) that the Trustees were to ensure the preservation and safe-keeping of "all Deeds, Writings and Instruments relating to the ... school and charity" and that they would cause abstracts to be made of such documents"²⁸.

Obviously, the Master in Chancery was bringing into prominence

* ie the rents and profits of the estates.

the function of the Trustees to whom he gave a clear definition of their responsibilities. Rule No.16 specified the time, date and place of the first meeting of the Trustees under the new dispensation: "between the hours of twelve and two on the third Monday in the month of August 1820, at the Inn called the Nag's Head in the town of Warrington". Further instructions were given for this meeting followed by an annual meeting of the Trustees, with at least five members for a quorum, at which the receiver was to submit for examination by the Trustees the accounts of the Charity²⁹. With the accounts approved, the Trustees were to make such payments as had been already authorised, and such arrangements for the "preserving and disposition of the ... Charity estates, rents, monies, revenues, and the sustaining of the same school" as were considered necessary.

The last Order (No.17) provided the Trustees with a facility for calling "a special meeting ... in the interval between annual meetings" if three or more of them thought it necessary. The formalities to be observed were laid down, along with the powers at their disposal. Nevertheless, the order finishes with a general obligation which was to be observed in all their decisions:

"All which rules and orders shall be binding upon and observed by all persons whom they may concern; Provided always that the said Trustees shall not make any rules or orders whatsoever, which may in any manner alter or defeat the foregoing rules, or any of them, or the original institution of the said school as a Free Grammar School, for the teaching grammatically the learned languages, as declared in the before mentioned Decree".

Three objectives appear in the Rules and Regulations of 1820. First they aimed at being restorative. Over the years, problems in the management of the school and charity had interfered with and hindered the contribution which the school should have made to society. The Rules were aimed at restoring that contribution, yet at the same time acknowledging that changes were inevitable in view of the changes in society. Thus, although the Rules reaffirmed the

basic purpose of the school, as established by the Foundation Deed, viz the teaching of the learned languages grammatically, they had regard for local criticism and issued a clear order for an assistant to teach writing and arithmetic to be paid out of the Charity's funds. Since this was an order of Chancery, the Trustees had nothing to fear of any general application of the rulings of the Leeds Grammar School case. The Rules attempted to ensure the proper conduct of the School by insisting that the Master himself was to be personally involved, although he could be assisted by an Usher, if the numbers warranted that; yet another of the complaints of the locals was rectified. The Master was also to live in the school-house; there was to be no more absenteeism on his part. The old concept of a "free school", as envisaged in the Foundation Deed, was clearly required, along with the retention of the payment of the "four Pennies"; all other claims for payments to the Master or his assistants were disallowed. The Rules sought to enable the School to work in its contemporary setting by revising such items as the length of the school day, the extent of the holidays, the conduct and content of the daily assembly and dismissal and of religious education, of which those concerned with religious matters called for radical changes in view of the effects of the Reformation; Owen had considered some of the original requirements as "illegal".

Secondly, the effect of the Rules was to clarify and define the functions and duties of the Master and of the Trustees, functions which had over the years become confused, unclear, and unorthodox. The Trustees were to have responsibility for the overall management of the Charity's estates and revenues (which were no longer within the province of the Master) and for observing and executing the orders of the Court of Chancery. Their responsibility for fiscal matters included paying the Master and Usher, another great break

with tradition.

Thirdly, the Rules aimed at being constructive in that they laid down an administrative structure in which the work of restoration and clarification could be ensured against lapsing by default. Thus, for the Trustees, the Rules required at least an annual meeting in which the accounts could be inspected and approved or rejected. These accounts were to be kept and presented by a professional administrator whose duty it was to collect the rents and revenues and administer them on the instructions of the Trustees. The construction of this post, to be known as the receiver, was a further insurance against financial loss, arising from neglect, as had been the case in the past. Likewise, instructions were given for the conduct of the school, while the structure reaffirmed the function of the Patron who was to be concerned with the appointment of the Master, and, if the need arose, with his dismissal; these patronal functions were closely based on the orders of the Foundation Deed.

It will be seen from the foregoing that the Master in Chancery had worked towards a reformation of the School which would be fundamentally in keeping with the terms of the original Foundation while hoping to avoid a situation which had developed in the time of Owen and his successor. This showed itself most particularly in the fact that neither the Schoolmaster nor the Trustees could regard themselves as an autonomous, self-regulating authority; they were from 1820 subject to the power of the Court of Chancery. In another way, the resulting Rules pointed to a moral victory for the citizens of Warrington.

The Free School, 1820-1828

The years 1820-1828 deal with the period immediately following the publication of the "Rules and Regulations" of the Court of Chancery up to the resignation of the Rev William Bordman as Headmaster. The documentation for this period is to be found in three main sources and in miscellaneous legal documents. The main sources were themselves the result of the requirements of the "Rules and Regulations". One such requirement was that accounts were to be kept of the revenues from the Charity's estates and of their application by a suitable person who was to submit accounts for inspection by the Trustees. These are in the form of Trustees' Accounts books³⁰. The second source is in the Trustees' Minute Books, 1820-1840 and 1840-1889³¹. The third principal source is one of a series of admissions registers, Lists of Scholars, Jan 1822-Sep 1860³². Further examination of the Accounts and the List with statistical tables is provided in Appendix VIII. This documentation provides material for insight into the work of the revitalised body of Trustees and of the problems which still beset the School, in spite of the work of the Court of Chancery.

The General Report of the Master in Chancery was read at a Trustees' Meeting on 16 Oct 1820, "at the Inn called the Nag's Head in the town of Warrington"³³. Because of an accident to one of the Trustees, there was no quorum, so that no immediate action could be taken³⁴. At their meeting on 13 Jan 1821, ten trustees were nominated, thus bringing the number up to the requisite sixteen³⁵. Up to that date, the Rev R A Rawstorne, who, as Owen's successor and legate, had inherited £100 to build a stable for the use of the School³⁶, had not so used the money. Rawstorne had, however, in 1810 bought the field and buildings at the side of the school³⁷, "which

might be much deteriorated if land so contiguous were sold for building on, or other purposes, which might prove an annoyance or detriment ... "38. This had been bought "prior to the Decree whereby it was declared that the situation of Rector of Warrington and Master of the School were incompatible". Rawstorne offered to sell the land and buildings to the Trustees for £600 and allow a balance of £90, thus leaving £510 to be paid for field, stable and shippon. There being no quorum, the decision was postponed.

At the Annual Meeting of the Trustees, 20 Aug 1821, various complaints about William Bordman, then Master of the School, were made, but as only four Trustees were present, a special meeting at the earliest possible date was called for which took place on 19 Oct 1821, when the new trust deeds were produced, bringing the number of Trustees up to 16, with instructions for the safe custody of the deeds at the College of Manchester. The accounts of the Charity, submitted by John Fitchett, the receiver, were approved; thus the routine imposed by the Rules and Regulations was being strictly followed. The subject postponed from the previous meeting, the complaints against Bordman, was raised; these were complaints submitted "by the inhabitants of Warrington". Considering these complaints, the Trustees sat until 6.30 in the evening and then adjourned for a further meeting on 23 Oct 1821, at which they were joined by William Stubs, representing the Inhabitants and at which they received replies from Bordman. They resolved to form a committee of four⁴⁰ who were charged to draw up a report "expressive of the Opinion of the Trustees, as now communicated to them, upon the charges, and certain regulations recommended by the Trustees for the future Government of the School".

This report was presented to the Trustees at their meeting on 9 Nov 1821. It is a document of importance in the management and

administration of the school. It considered the complaints against Bordman and in so doing showed how the work of the "Rules" was being frustrated. Then, it applied the "Rules and Regulations" of the Court of Chancery to the current problems of the School, and suggested remedies.

The Committee recognised that the disputes between all interested parties had not been resolved by the recent litigation. With the hope, therefore, of conciliation and justice, they had patiently investigated the details brought before them. The cases on which they commented were quite specific; the complainants had not merely expressed a general feeling of dissatisfaction. Individuals and occasions were clearly identified, although they were probably only examples of many more such cases.

The first case was concerned with the admission of Free Scholars; an applicant had been refused admission as a Free Scholar on the grounds that "his mode of reading English was not sufficiently correct". In this case, it was considered that Bordman had not "exercised a sound discretion" and this view was supported by reference to "Rules and Regulations" No.9 which stated that boys were "admissible at the age of seven years", at which age a boy could not be expected "to read with critical exactness", but could only be required to read "with such exactness and facility as shall enable [him] to enter on the accidence, or first rudiments of the learned tongues".

The second complaint was concerned with the standard of dress which might be required. One named boy had been repeatedly sent home "for appearing in an unfit state of clothing, and especially in a ragged Hat ... several other cases of a similar nature were considered in which Boys have been sent back from School for various degrees of rents and flaws in different Articles of their wearing

apparel". Once again, members of the committee found in favour of the complainant. They applied Rule No.11 which required scholars to appear at School "clean and decently clothed"; this they considered was not meant "to extend to the utmost possible degree of nicety". They were of the opinion that "in sundry instances, the Master has pushed the Rule to an injudicious extent".

After a consideration of these two sources of complaint, the committee turned to examine the problem which was fundamental to both issues, *viz* the problem of communication. It was regretted that the Master had permitted "such a degree of irritation to influence his mind, as has blinded him to a just view of certain representations addressed to him by Inhabitants of the town". Reference was made to two communications of which one, a letter from Mr William Stubs (the citizens' representative), "couched in proper and respectful terms ... which was suffered to remain unanswered and made the subject of angry remarks". The other, "a Note of entreaty" was sent back unopened. The impression had been formed that, as a result of transactions from the trial at Lancaster and occasional "provoking language ... from some of the less enlightened Inhabitants of the Town", Bordman had been blinded to the rightness of some complaints. The Trustees recommended to the inhabitants of the town freedom of respectful communication with the Master and to Bordman a willingness to allow access and to listen "to all proper complaints". In his own defence, Bordman claimed that he had used exclusion from school as a punishment, as a result of the court case at Lancaster since he no longer felt it safe to administer corporal punishment⁴¹.

The complaint that Bordman had used "unproper language" to one of the boys was dismissed.

Concerning the complaints of preference in tuition between the Free Scholars and the Boarders, it was found that if, indeed, there

was any preference, it was in favour of the Free Scholars.

The Trustees then turned from the specific cases of complaints to establish regulations for the conduct of the School, a power which the Court of Chancery had conferred on them. These regulations aimed at being "remedial of evils, closely connected with complaints that have been made". First, they dealt with the admission of the Free Scholars which they wished to regularise further. In future, candidates for admission as Free Scholars were to be examined on one of four quarterly days; no other days for admission were to be allowed⁴². On each of these days, the Trustees were to attend at the school-house "as Referees in any case for Admission, in which the Master may entertain a doubt".

The next direction concerned the supervision of the School: " ... the head Master⁴³, or his first usher, shall invariably be present except in unavoidable circumstances".

Concerning the content of religious education and quoting from Rule 7 as their authority, the Trustees required that on not fewer than three occasions in the week there were to be readings from approved Authors in English, explanatory of the principles of Christianity, according to the Liturgy of the Church of England. These were to be regarded as "a part of the regular business of the School".

Rule No.12 (provision of writing materials by parents) was considerably expanded to include all books supplied by the Master at cost price. The cost of such books was to be paid to the Master, defaulters being reported to the Trustees.

Rule No.8, which permitted the Master to dismiss any boy for absence without leave, was extended, by reference to the Foundation Deed, to include removal for indiscipline or for an attack upon the Master.

There had for some time been strong local feeling about preferential treatment being given to Boarders. The Trustees then turned to this problem, reporting "from evidence received, that some difference has hitherto subsisted as to the Situations in School in which the free Scholars & Boarders do usually sit ... ". Henceforth, no distinctions in the treatment of these two categories were to be made. There was a further associated point: certain boys then at school who, although they were free scholars were "for a pecuniary consideration, suffered to be considered as Boarders, without being such in fact either at bed or board". This, the Trustees declared was "in direct violation of Rule 9th", and was strictly prohibited.

The recent case at Lancaster had made Bordman unwilling to use corporal punishment and this had resulted in his sending boys home as a punishment. The Trustees ruled that, with the exceptions given in Rule No.8⁴⁴, no boy " ... be sent back from School to his Parents' House" by way of punishment. The Trustees would in any cases of litigation rising from instances of corporal punishment "support the master to the utmost extent of their own authority, and of their influence with a Superior Court". In token of this, they proposed to apply immediately to the High Court of Chancery "earnestly requesting, as essential to the well being and discipline of the School" that they might be allowed to pay Bordman's costs out of the funds of the Charity's estates incurred in the case at Lancaster⁴⁵.

The Trustees closed their report with an innovative plan, intended to extend the benefits of the Charity. They proposed to apply to the Master in Chancery for authority to build a new school-room intended for "an elementary or lower School subsidiary to the Establishment" in which an Usher would instruct boys, admitted at the age of seven, who could read in Grammar for Latin and English "and in reading writing and Accounts". If granted, the Trustees would ask

for direction from Chancery concerning the age-limit of boys before they were transferred to the Upper School. The Trustees hoped that "this endeavour" would be seen by the inhabitants of Warrington as a pledge of their wish "to diffuse the benefits of this Charity as widely as may be sanctioned by the authority of the Court", since one of the original complaints of the Committee of Citizens was that the resources of the Charity were not being used correctly.

The Trustees concluded their report with the wish that those who had been present at the investigation of the charges would bear witness to "their [the Trustees'] patient attention, impartiality, and good faith. And they assure the Inhabitants at large, that if any efforts of theirs can be the means of restoring a general cordiality of feeling, and of thus giving to the School all the usefulness which it is calculated to confer, their exactions now and hereafter will be more than adequately repaid".

Fundamentally, the citizens of Warrington were disappointed that Bordman had not been removed from the School (as Rawstorne had been) as a result of the Chancery case, so that the list of complaints is not a surprise, although in fact most of the complaints appear to have been genuine. These complaints are illustrative of the tensions which, as has been noted, seem inherent in the management of schools. In this case, the tension was between the schoolmaster and the citizens ("parent power", "public opinion") and ended with an ultimate breakdown in polite communication between these two sources of influence. There still remained a feeling on the part of the citizens of being deprived of their rights in the provision of the charity. The method of admitting boys was open to question. There was a feeling that preferential treatment was being given to boarders who were not provided for by the Foundation. There was dissatisfaction with Bordman's methods of maintaining order in the School, which

had led to a court case and then to exclusions from the School. The Trustees' report showed a genuine attempt to rectify what was clearly an unacceptable situation in the School.

A public meeting was held in the Sessions Room at Warrington on 15 Nov 1821, "to take into consideration" this report and "also for the purpose of promoting the spirit of conciliation and friendliness, which the Trustees so earnestly recommend to all Parties interested in that important Institution [*i.e* the Free School]". A public record of this meeting was subsequently published in the form of a broadsheet⁴⁶. This sheet records a response from the six members of the Deputation of the Citizens who had been present at the investigation of the complaints. They replied to the appeal for reconciliation made by the Trustees at the end of their report (quoted above): they were happy to testify to the patient attention and impartiality "which were so conspicuous during a long and painful investigation". They hoped that the action of the Trustees might be "productive of mutual forbearance and extensive benefit". The members of the public present at the meeting passed nine resolutions:

- 1 They concurred with the sentiments of the Deputation;
- 2 They were grateful for the prompt and sympathetic reaction of the Trustees and they supported the view of the close relationship of the Free Grammar School and the "prosperity, happiness and character" of Warrington.
- 3 They considered the Report to be "fair and impartial" and its deliberations such that "the irregularities complained of" would be remedied, thus giving hope for "the most beneficial results of the future".
- 4 They expressed their thanks to the Trustees and their Chairman "for their prompt attention to, and candid and accurate investigation of, the complaints which have been

preferred; and for their very able Report thereon".

- 5 They thanked the Patron, Lord Lilford, "for his ready concurrence with the recommendation of the Trustees to extend the benefits of the Institution".
- 6 They thanked Mr Stubs most cordially "for his disinterested, mild and judicious conduct, throughout the whole of this arduous undertaking".
- 7 They thanked the members of the Deputation for their work.
- 8 They hoped that the meeting would respond to the recommendation for "mutual forbearance" and the cultivation of "a spirit of conciliation", as it regards the Headmaster of the Free Grammar School".
- 9 Finally, they required that the proceedings of that Meeting should be published and so made public.

Thus, by the end of 1821, a joint effort had been made on the part of the Trustees and the interested citizens of Warrington to restore to the community the usefulness of the Free School and to allay the animosity between the master and the public. The evidence shows that the desire of the Trustees and citizens for reconciliation with the Master was genuine. The issue of this combined effort is now reconstructed from the Minutes and Accounts of the Trustees and from Lists of Scholars (*see* Notes 1, 2 and 3).

The list of Scholars for 21 Jan 1822, *ie* the first available data following the Rules and Regulations and the Trustees' Report, showed that of Free Scholars there were "7 in all" (*ie* not including the Boarders who do not appear in the lists). Of these seven, the following details are provided: 3 left in 1822 (1 without any intimation from parents, 1 for refusing to be flogged); 1 left in 1823; 2 left in 1825; 1 unaccounted for. Of those admitted in Jan 1822: 8 left in 1822; 3 left for refusing to be flogged; 1 left for

misconduct. After 1822, reasons for leaving were not recorded.

On the same day (21 Jan 1822) the Trustees, at their meeting, considered the cases of some applicants for admission who had been referred by the Master. The Minutes record an appeal for assistance from the funds of the Charity which was not directly related to the School. A letter had been received from the Church-warden of Woodchurch (in which parish the Arrow Estates were situated) applying for a contribution from the Trustees towards repairs and alteration to the Church on the Arrow Estate. The appeal was rejected on the grounds that, in giving a contribution, the Trustees would be subjecting themselves "to a charge of misapplication of the funds"; the Trustees were by now aware of their accountability to the Court of Chancery.

On 29 Apr 1872, at the quarterly meeting of the Trustees in the School House, several scholars were presented, but only one was admitted. (He left in Aug 1823.) Among those rejected were the sons of non-residents in Warrington about whom the Trustees were not clear with regard to the rightness of their claims for admission. The Trustees, therefore, instructed their solicitors to ask the Court of Chancery for clarification upon three points, *viz*:

- 1 Was free admission open to scholars from any part of the Kingdom? or
- 2 Was it restricted to scholars resident in Lancashire or elsewhere? or
- 3 Was it restricted to scholars resident in the town and parish of Warrington?

In spite of their clear instruction concerning distinctions in treatment between Free Scholars and Boarders, the Trustees understood that two boys were still being treated "differently from others". As they were dissatisfied with Bordman's answers (not recorded in the

minutes) they decided to complain to the Patron. Basing their complaint upon "Rules and Regulations" No.9, they found that two boys, entitled to be free scholars, were "in point of fact, for a pecuniary consideration suffered to be considered as Boarders without being such in Fact either at Bed or Board". They informed the Patron (Lilford) that they considered this to be a violation of the "Rules & Regulations", for Bordman continued to treat the boys "contrary to the spirit of the same" and had given answers which "were such as to convince [them] that he was endeavouring to mislead [them]".

At the Trustees' meeting on 22 Jul 1822, eleven boys were admitted⁴⁷. In reply to the Trustees' question concerning the right of admission, Chancery ruled that the School could admit Free Scholars from Lancashire and Cheshire, thus providing a wide catchment area. The Trustees accordingly decided that some publicity was required for the revised arrangements and dates for admission and that their own meetings would be held an hour later than previously, at eleven o'clock. Their solution to the repeated requests from the Church-warden concerning repairs to Arrow church was a compromise: the tenant would pay the amount required and an allowance would be made to him out of the rents.

On 22 Aug 1822, the Trustees accepted and approved the receiver's statement of accounts. Lilford's reply to their complaint against Bordman (see Trustees' Meeting, 29 Apr 1822) was that he had written to Bordman, giving him the substance of the complaint, and that he had "remonstrated earnestly" with him. At the same meeting, Bordman made three applications for financial reward. In the first, he produced bills for repairs to the School House for which he claimed reimbursement. The Trustees set up a committee to examine the bills and to report back; if approved, the bills were to be paid out of the rents. Next, Bordman applied for remuneration for his son who

had acted as Usher from the Christmas vacation until April. This was rejected on the grounds that the numbers involved were small. In the third application, Bordman claimed the interest on Edward Owen's legacy from 1815 until the present. The Trustees were unwilling to grant this since the land next to the school was being considered for purchase and annexing, and the legacy would be required for that purpose.

Bordman's claims for moneys expended on repairs to the School House (Trustees' Meeting, 19 Aug 1822) were "mostly to be paid" (Trustees Meeting, 28 Oct 1822), but it was resolved that, in future, repairs at the School House were to be directed to the Trustees' Clerk and be subject to the approval of the Trustees. On the same day, six Scholars were admitted⁴⁸. On 20 Jan 1823, nine Scholars were admitted⁴⁹.

At their quarterly meeting on 28 Jul 1823, the Trustees investigated Bordman's charges against the usher and Writing Master, both of whom he had dismissed, and they found the charges to have sufficient grounds for this action⁵⁰. The Trustees resolved that "the Master or Usher should always be present in the School when the Writing Master attends The Trustees therefore must expect that this regulation for the future is punctually attended to, and therefore [they] direct Mr Bordman to do so and that the Head Master or Usher have the control of the School always, and dismiss the School ... and also that either the Head Master or Usher shall always be present in the School hours". There are no records of Bordman's charges against the Usher and Writing master, but it is possible that they were connected in some way with this last resolution of the Trustees. On the same day, five scholars were admitted⁵¹.

At their meeting on 18 Aug 1823, the Trustees considered a letter from Rawstorne who was asking for a definite answer to his letter

concerning his offer for the sale of the field and buildings at the east side of the School (*see* Map IV)⁵². They resolved that they had no authority to buy such lands from the funds, but were willing to apply any surpluses from their income, provided Rawstorne settled the land to the purposes of the Charity⁵³. They were also of the opinion that Bordman's costs in the Chancery suit should be paid if, in Fitchett's opinion, "they can legally do so".

At the Meeting of the Trustees on 27 Oct 1823, it was recorded that there were 35 boys "now in School". Two boys were admitted⁵⁴. The Trustees gave their approval to the appointment of Mr Charles Nelson as Writing Master at a salary of £45 p.a.

On 26 Jan 1824, it was recorded that there were 28 boys in the School. Seven scholars were admitted of whom three were referred to the Trustees⁵⁵. It was reported at the Trustees' Meeting of the same date that Bordman had employed monitors to collect the bills from parents of scholars for books and that Bordman had admitted to the practice. The Trustees "strongly deprecate such a practice as highly improper and that in future it shall be discontinued".

The school strength on 26 Apr 1824 ("besides those [4]⁵⁶ admitted" on that day) was 32. The Trustees, at their meeting on that day approved the appointment of the Rev. Thomas Martin as Usher at a salary of £75 p.a.

Three scholars⁵⁷ were admitted on 26th July 1824 by the Usher and approved by the Trustees at their meeting when Bordman's absence was reported as a "temporary disposition, certified to the Trustees by a physician".

There were no admissions on 25 Oct 1824. At the same meeting of the Trustees, it was decided that the Master was to be charged a rent of £12 p.a. as rent for the stable and croft under contract to be bought from Rawstorne; Bordman was already receiving interest on the

legacy from Edward Owen. They decided also that the School should have an annual exhibition for the benefit of Trustees, Parents and friends. A complaint had been made at their meeting on 16 Aug 1824 concerning the inadequate ventilation in the schoolroom and it had been decided to investigate the complaint at their (the next) meeting. Accordingly, they ordered that a system was to be installed "after the plan of those [windows] in St George's Church, Hanover Square, London ... the ventilator to be put at the top of the room". They also authorised an additional window on the east wall. (Apparently, problems of public health were beginning to be recognised.)

There were insufficient Trustees at the meeting on 24 Jan 1825 (only three were present), so that a special meeting would be required for arrangements for the annual exhibition. Those present did, however, recommend that the exhibition should be held on the same day as the Trustees' Annual Meeting and that the first exhibition should be held in 1826⁵⁸. The plans for ventilation were received. The clerk was instructed to try to expedite Chancery's reply *re* Bordman's costs. On this date, four boys were admitted⁵⁹.

On 25 July 1825, the Trustees, at their meeting, received the draft of a petition to Chancery prepared by their Counsel (Wyatt) *re* their proposal for a preparatory school for the Free School (*see* Trustees' Report, 9 Nov 1821). Wyatt expressed doubts concerning the possibility of success of the application. It was also reported that Chancery had refused to allow payment of Bordman's costs out of the Charity's funds. This matter was referred to the next AGM. Two boys were admitted⁶⁰.

At the Trustees AGM on 29 Aug 1825, the Trustees considered the proposal for the annual exhibition. By reference to Chancery's "Rules and Regulations" and to the Foundation Deed, they were careful

to establish that, by this innovation, they were not interfering with the School's essential function, *viz* "the teaching grammatically of the learned languages". They decided that there should be an exhibition of the scholars "which shall be held in the School Room in the presence of the Trustees, Master and Ushers ... and to which the Parents and Friends of the boys shall be admitted ... [in] the form recommended by the Master and ... approved by the Trustees".

Counsel's opinion on the establishment of a preparatory school had been received which stated that "the object of the Founder would be eroded and the Funds of the Charity applied to a purpose far different from that which he [the Founder] intended", so the Trustees directed "that no further steps be taken" in the matter of the preparatory school, since they could not expect to gain the sanction of the Chancery Court and they forthwith resolved that "all attempts for the like purpose will in future be abandoned and for ever cease".

The scheme for the establishment of a preparatory school was probably a gesture on the part of the Trustees to public opinion to show that they were willing to extend the usefulness of the foundation to a larger number of boys.

Concerning Bordman's costs in Chancery, Fitchett (the Receiver) recommended that they should repay him and the Trustees authorised payment from the surplus of the funds of £29:2:10 "incurred as defendant"⁶¹. Bordman, however, was not so fortunate with his application for costs in the legal case at Lancaster concerning "inflicting corporal punishment on one of the boys" for Chancery declined to permit the payment of costs out of the funds of the Charity. Thus, the Trustees were of the opinion that they could not "with propriety, however much inclined they may feel to relieve Mr Bordman and to support him in maintaining the due discipline of the School, direct such payment to be made out of the Charity's

Funds".

On 23 Jan 1826, the Trustees, while not forming a quorum, approved the Master's nomination of the Rev. Stephen Cragg of Magdalen College, Oxford, as Usher. They recommended to Bordman that in future he should keep a book specifying the names of the Scholars, the books they read and the progress they had made, and they required that this book should be available for their inspection at their quarterly meetings, if requested⁶². Furthermore, they had been informed that more holidays had been allowed to the scholars "than are prescribed by the 6th Rule". They requested that Bordman be reminded "that such rule is considered by them as conclusive, and that the number of Holidays cannot be increased". Obviously, the Trustees were keeping a careful watch over the conduct of the School and ensuring that, as far as they could be sure, the instructions of the Court of Chancery were followed.

At two of the meetings for 1826, no business could be done because, on 29 Apr, only two attended and, on 24 July, only one⁶³.

The AGM of 21 Aug 1826, was, as previously arranged, the occasion of the first Exhibition of Scholars and the Trustees recorded that "those now present have much satisfaction in recording their opinion of the proficiency of the scholars, as Creditable of the Establishment". It is relevant at this point to note the entries in the Minutes concerning the surveying of coal mines on the Charity's estates. On this occasion, a satisfactory report had been received from the surveyors of the coal mines at Tyldesley. The Trustees resolved "that in future no repairs whatever be done at the School Premises, unless by order of the Trustees, necessary repairs from accidents excepted".

The next two meetings were uneventful. At the one on 23 Oct 1826, only one Trustee attended, so that no business was done. One

boy was admitted. At the next meeting on 29 Jan 1827, it was reported that five boys⁶⁴ were admitted and that there were 26 Scholars on the roll, including that day's admissions. The Usher, whose nomination had been accepted on 23 Jan 1826 had subsequently declined the offer. The Rev D G Davies had been employed as Usher but Bordman could not appoint him nor recommend him and so his services were discontinued as from that day. Bordman complained that he had not received the money due to him to cover his costs in Chancery, so that orders were given for him to receive payment forthwith.

Although the records of the Trustees' meetings were written in unemotional officialese, it is possible to detect a lack of rapport between the Head Master and the Trustees, and this became more evident in the meeting on 23 April 1827. At first, the Trustees dealt with various routine matters, the failure to appoint an Usher, the obstruction of the watercourse "from old Butler's pantry", the encroachment of the School's neighbours upon the land and field. Then came a proposal from Bordman. His health "made the laborious attention to the Duties of the School painful and dangerous", so that he was willing to vacate the School on the receipt of a retiring pension, on the following terms:

- (a) that he was to be allowed a life pension of £150 p.a. plus £400 down;
- (b) that he hoped for life insurance of £29:10:0 p.a., but this was not an essential part of his proposal.
- (c) that he wished to be allowed one quarter's salary from 23 April, on the condition that he gave up the School House, garden, stable, lands and premises on 1 July next up to which time he would pay the taxes.

The value of the growing crops was to be paid on

valuation either by the Trustees or by the new Master.

The subject was postponed for a special meeting of the Trustees. No new Scholars were presented that day; there were 23 Scholars in the School.

A special meeting of the Trustees was called for the 30 Apr 1827 at the office of the Charity's solicitors, Messrs Fitchett Wagstaff, to consider Bordman's proposal of resignation. Those Trustees present, Sir Richard Brooke as Chairman and six others, proposed to submit to the next AGM that Bordman's proposal to resign be accepted and that the Patron be asked to appoint another Master. They recommended that the £400 be paid out of surplus rents and that the annuity (pension) "be secured by a Bond from the New Head Master" to be required by the patron, and to be communicated at the AGM as one of the conditions of the appointment. It was, however, felt that Bordman would not accept such an arrangement, since he would lose this annuity in the event of the new Head Master's death. They felt that it should be more satisfactorily secured and they proposed that the Trustees should be asked if, collectively, they would join in a personal obligation to Bordman. The reply was given at a meeting on 2 July 1827: several Trustees declined to join in the proposed annuity as a *sine qua non* of resignation. The matter was deferred until the next AGM.

That AGM took place on 20 Aug 1827. It was a well-attended meeting, with Sir Richard Brooke in the Chair and eight other Trustees present. The recommendation to accept Bordman's resignation was accepted unanimously. The Trustees directed that the payment of £400 should be paid on or before 12 Oct 1827. The sum was to be paid under Rule 16: "for the benefit of the School". Bordman was willing to waive any claim for a personal guarantee from the Trustees *re* the annuity, for the Trustees declined "entering into any consideration

of the mode of securing the annuity but [left] the arrangements of that matter between the Patron, Bordman and the future Head Master". Bordman stated that the resignation should take effect on 26 Oct to allow time for arrangements to be made; also a fortnight's holiday should be allowed before 26 Oct. He asked for leave of absence and proposed that his son should deputise for him. To all these requests, the Trustees agreed.

The resignation did not take place as planned, since no successor was appointed in time. At the Trustees' Meeting on 29 Oct 1827, Bordman reported that the sum of £400 had not been paid and that some school furniture belonged to him for which he expected payment; however, he failed to produce a list and the matter was to be settled by Bordman and the Trustees' solicitors.

Admissions of Free Scholars had for some months been scanty. There were no admissions on 23 Apr 1827 and on 29 Oct 1827. On 23 July 1827, one boy was admitted, but he left the same day.

The Trustees next met on 28 Jan 1828. Bordman, who had been unable to resign because no successor had been appointed, complained of the inconvenience caused to him by the non-payment of £400, and this was ordered to be paid "forthwith"⁶⁵. He claimed also that he was paying rent for a house which he had taken in the expectation of moving, and thus hoped for an allowance for this. The Trustees were prepared to consider this request at their next meeting which was held on 31 Mar 1828. In the event, no decision was possible since by their next meeting on 28 Apr 1828, the new Head Master was in attendance.

The Trustees' accounts show their last transaction with Bordman. In addition to the £400, the last salary payment (£120.10.0) was recorded on 7 May 1828, along with the sum of £1.10.0 "for trees, books, Postages & Co". On 31 Jan 1829 he was paid £7.2.0 "for

fixtures and Co in the School". There is no record of payment of compensation for his expenditure in renting a house. His annuity was paid directly by his successor.

Bordman's tenure of the office of Schoolmaster at Warrington was doomed to conflict and opposition right from the start for, as has been said, the citizens had hoped for his dismissal from the School. He made no attempt to win public favour and ignored letters of complaint. One disaffected father went to the extent of suing him at Law. The Trustees also found him difficult to deal with, for he repeatedly ignored their requirements and those of Chancery, for which they were responsible, and he behaved in an unprofessional manner which was to them a source of embarrassment, so much so that on one occasion they had to call on the authority of the Patron to put matters right. In spite of the cold officialese of the Trustees' records, it is difficult not to sense a feeling of relief on their part in the speed with which they agreed to his terms for retirement.

Socially, he never found his way into society at Warrington, where his dress and appearance made him remarkable, as is shown in the following description by a contemporary witness, one of his former pupils:

" ... he had on a long frock coat, reaching to his heels, a brown scratch wig, a pair of goggle spectacles of coloured glass, and a deep green shade to cover his eyes ... "

His conversation was characterised by pedantry⁶⁶.

The letters in Chapter VI contribute also to knowledge of his eccentric character. Rawstorne had difficulty in finding a witness to speak favourably of his work at the School, for during his tenure as Usher there had rarely been more than one town boy at a time at the School. Bordman's continued procrastination in presenting his evidence led Rawstorne to ask Gorst to deal directly with him in the future (Letter No.53). Bordman's ineptitude or naivety is revealed

in his inclusion as a witness a parent who testified to Bordman's demands for money, a charge which the defendants wished to deny (Letters Nos. 61 and 62).

He died at Hornfleur in France in 1846.

The Trustees' Accounts

The duty to record the "receipts and payments" of the Charity from 5 Mar 1814 was required by the Court of Chancery of the Trustees who duly appointed John Fitchett of the Warrington firm of solicitors, Fitchett and Wagstaff, "to collect and receive the Rents and profits of the ... Charity Estates, pursuant to the ... Decree". The record opens with a financial account of the income and expenditure for the period 1814-1820, in summary form for individual sources, mainly supplied by Rawstorne and Bordman. By 17 Aug 1820, in a final reckoning, Fitchett "remitted ... cash" to a Court of Chancery official in London "to pay into Court the balance of £126:15:4". Later, these accounts, at the Trustees Meeting on 16 Oct 1820 (*qv*) "were produced and examined and passed and allowed". This was the first occasion in the School's recorded history that any attempt at such accounting of income had been made. Up to March 1814 the rents had been paid direct to Rawstorne who had provided records of receipts and expenditure to Chancery.

Problems faced the Trustees soon after they assumed responsibility for the finances of the Charity. The Accounts recorded the right of Bordman "to officiate a Master till a Master be appointed ... [on] ... his former salary which was paid by Rev R A Rawstorne ... at the rate of £157:10:0 per annum Mr Bordman was appointed Master by Lord Lilford on the 26 Oct 1815 ... ". Bordman claimed, however, that he had not been fully paid up by Rawstorne and requested that the money be made up by the Trustees. The records show payment of £300 from 26 Oct 1815.

The Accounts for the period 1814 to 1819 show an annual income of £617.14.0, the details of which are recorded in Table I. The overall receipts for the period amounted to £3,191.12.2 with arrears on 1 Nov

1819 of £264.8.8.

From 1820, the Accounts provide an itemised record of the income and expenditure of its Charity, from which may be gained an insight into the day-to-day management of the School, particularly in those details of expenditure in which are recorded costs of salaries, of structural repairs, of professional advice, of interest on loans. They show the regular biannual payments to the Master, to Ushers and Writing-Masters, thus recording names not given elsewhere. There were regular biannual payments to Rawstorne as "interest on his purchase money for land and buildings bought by Trustees ... £65:13:0" until the final settlement on 29 May 1833, which involved the Trustees in legal costs on 25 June 1833 of £63:17:6 for "costs of New Trust Deed, Conveyance from Robert Atherton Rawstorne and other law business".

The financial implications of the resignation and departure of Bordman are fully recorded in the Accounts. In addition to the sum of £400 (2 Apr 1828), agreed to by the Trustees, he received £1.10.0 for books, postage, etc. (7 May 1828), the balance of salary of £120.10.0 (7 May 1828) and finally, on 31 Jan 1829, £7.2.0 for fixtures in the School.

In the early years of the Accounts, no records are made of expenditure on the fabric of the School since such payments were usually made by the Master who claimed them subsequently, a practice about which the Trustees often complained. The Accounts for a bigger undertaking such as the erecting of a new school show payments to Thomas Fletcher, a builder, over the period of building of sums such as £20, £50, £60, £75, to a final payment on 1 Mar 1830 of £316.19.9.

The discovery of coal on the Charity's lands at Tyldesley is marked in the accounts by such entries as:

2 Aug 1830	Paid two underlookers ⁶⁷ for surveying Collieries at Tyldesley	£4.0.0.
20 Aug 1832	Surveyors and report	£8.8.0
1 May 1834	Land Surveyor	£150.0.0.

The departure of the Reverend T V Bayne may be traced in the record of the last payments to him:

26 Oct 1842	Paid Bayne 1/2 yrs salary "due this day"	£150. 0.0.
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with a final settlement

22 Aug 1844	Paid to V Bayne	£ 102.11.1.
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Chapter VIII

1828 - 1842

CHAPTER VIII

1828-1842

Introduction

The period 1828-1842 covers the headmastership of the Rev. Thomas Vere Bayne. As in the previous chapter, much of the material for that period is taken from the Trustees' Minutes and Accounts and the List of Scholars. The early years of Bayne's tenure showed an increase in the number of Free Scholars and a rebuilding of the School Room. In 1833, however, there was once again dissatisfaction among the inhabitants of the town, which resulted in a meeting of a committee of the Trustees and Head Master with a deputation of the inhabitants of Warrington who made complaints about the management and conduct of the School, as a result of which further regulations for the conduct of the School were agreed upon.

In 1840, the Trustees sought permission of Parliament to sell the Charity's Estate at Arrow to the lessee who had made an offer of £12,000 for it. Accordingly, an enabling act was published to which were attached further regulations concerning the appointment of the Trustees, their financial duties and miscellaneous regulations for the conduct of the School. Following the sale of the estate, the Headmaster, in 1842, disappointed in his expectation of improved remuneration as a result of this sale, advised the Trustees that he had accepted a Church living and that he would be leaving his post in due course. There followed a personal and frank correspondence with the Trustees in which, since he had nothing further to lose, Bayne expressed his feelings of disappointment, injustice and frustration

bluntly and without reserve to the Trustees and the Patron. This correspondence is an unusual record of the tensions which arose between Headmaster and Trustees, two main sources of authority in the School.

Lord Lilford appointed the Rev Thomas Vere Bayne to succeed the Rev William Bordman as Head Master of the Free Grammar School of Warrington¹. Bayne first attended a meeting of the Trustees (28 Apr 1828), asking for a short leave of absence to enable him to clear up his affairs in Oxford. This was granted and it was arranged that the Writing Master should continue working "as if the School were open".

Although Bordman had by then left the School, he was still communicating with the Trustees on money matters which they considered at their meeting on 30 Jun 1828. Bordman claimed the costs of various furnishings and fittings, *eg* slate shelves, hat pegs, school bell, "Fender and poker in Schoolroom", school chair. The Trustees ruled that these should belong to them and ordered the Receiver to pay Bordman £9.10.0². Another of Bordman's claims was for a quarter's rent on a residence in Herefordshire which he had taken "for Christmas last", which was also agreed to. He further claimed that he had paid for certain repairs necessary to the School and House, some of which he had been paid for, but there were others for which a balance still was due; this claim was allowed. This last request, however, led the Trustees to nominate one of their number, T. Lyon, a banker, to "superintend the requisite repairs of the School House and premises (on the part of the Trustees) and see that they are put into tenantable order; and that, when completed, a schedule of their state of repair be made and kept by the Trustees in order that the present master may leave the premises in the same repair". The Trustees present recommended to the next AGM that the Head Master's salary be "augmented by the addition of half of the

clear surplus of the Rents and Revenues which may appear at the annual meeting to be in hand after payment of all Salaries charges and expenses payable thereout", because of the increase in the number of scholars and the prospect of a greater addition³.

At their next meeting, 28 July 1828, the Trustees could conduct no business, since only two members were present. The increase of scholars anticipated in the last meeting was realised by the admission of 34 Free Scholars⁴.

The AGM for 1828 was held at the Nag's Head Inn on 18 Aug, with Sir Richard Brooke in the Chair and seven other Trustees being present. The Trustees accepted Fitchett's financial statement and a previous recommendation (Trustees Meeting, 30 Jun 1828) *re* the augmentation of the Head Master's salary. They gave their approval of Bayne's appointment of the Rev H H Brobart to the post of Usher with a salary of £100 p.a.⁵. Bayne reported that a new schoolroom was necessary because of the increased number of scholars. He offered two solutions to the problem: either the present room could be enlarged or an entirely new schoolroom could be built. He was asked to provide for the next Trustees' Meeting a plan and estimate of the cost of such a venture. The Trustees present were to determine on the means of financing the project and to form a committee to superintend the execution of that plan. They directed also that the new Head Master was to be furnished with a copy of the "Rules and Regulations" of Chancery, and with any other regulations "which affect the government of the School". Application was to be made to the Court of Chancery for money deposited there, to be used towards the cost of enlarging the School⁶.

At the next meeting of the Trustees at the School House on 27 Oct 1828, the Earl of Stamford and Warrington was in the Chair and seven Trustees were present. The building or re-building of the school-

room was their main concern. "It being absolutely necessary that a new School Room be erected", the Trustees received a plan and estimate for nearly £500, but found their funds to be inadequate. Thus they resolved to accept Bayne's proposal to advance the deficiency, on being repaid by instalments of £40 to £50 p.a. ("or more if the funds will admit of it") out of the surplus rents and revenues of the Charity without interest. It was ordered that the next schoolroom was to be 35 feet square and 18 feet high. A committee was appointed, consisting of Messrs Hornby, Eaton and Lyon, who were "authorized to contract for the building of the room of the above or any other dimensions they may think fit". On this date, six Scholars were admitted and one was refused⁷.

A contemporary view of the new School-Room, a one-storeyed building, is reproduced in PLATE IV ⁸. One contemporary writer, himself a pupil at the School, wrote of this building,

"In the year 1829, with the sanction of the Court of Chancery, a fund which in the course of the litigation had been paid into court, was expended in the erection of a school, capable of accommodating 120 boys. It is a plain stone building, with little pretension to architectural effect ... "⁹

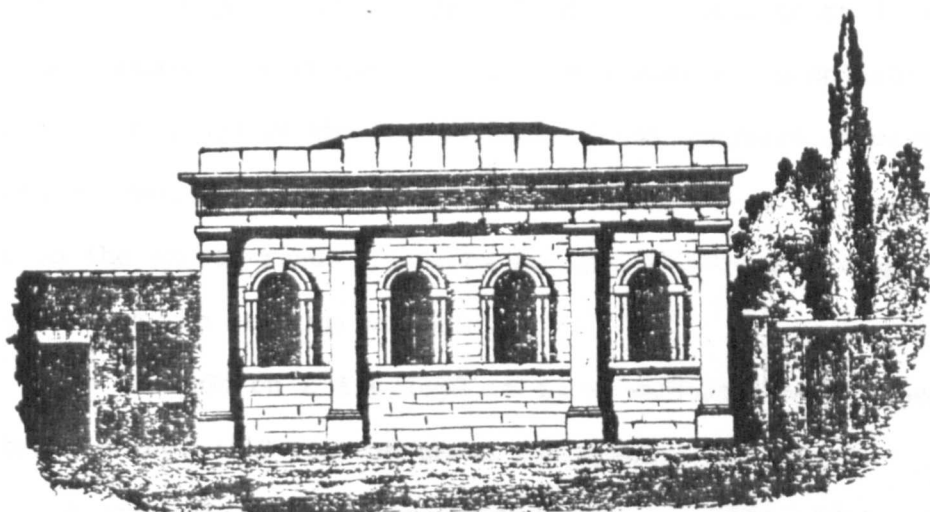
Another eye-witness wrote of the new schoolroom:

"This building, erected, it is believed, after a design of the new master [*ie* Vere Bayne], was a plain structure with very little ornament and in the Italian and not the English style of architecture, as it should more properly have been ... this school, which was of stone ... stood until the master's house and outbuildings were wholly taken down and re-erected at a later period ... "¹⁰.

The Trustees' Meeting on 26 Jan 1829 lacked a quorum, only two members being present. Although several applications for admission had been made, none was admitted: "The School being full ... none can be admitted till the new School room is erected". No more admissions are recorded until July 1830.

The AGM for 1829 was held on 17 Aug, when five Trustees attended. A further regulation concerning the admission of Scholars was made:

Boteley's Free Grammar School at Warrington



New Schoolroom Erected in 1829

PLATE IV

THE NEW SCHOOLROOM, 1829

the examinations for entry were to be held in future on the first day of each half-year at 10 a.m. The arrangements for the meetings of the Trustees were also revised: these were to be held on the first Monday in August and the last Monday in January at 12 noon in the School House. In response to the Head Master's complaint that he had no personal pew in the Parish Church, the Trustees resolved to pay an annual rent of six guineas for a pew for him and to pay that amount from the School funds¹¹. Since by Jan 1830 the building had not been completed, no meeting was held.

Of the AGM on 2 Aug 1830 it is recorded: "No Trustees attended, being principally engaged about the General Election".

A special meeting was held on 24 Jan 1831 which was also the half-yearly meeting for the opening of the School. Six Free Scholars were admitted by the Headmaster¹². The Trustees received the report of the underlookers¹³ concerning coals in the Tyldesley estate. The Trustees were of the opinion that "it will be very proper to adopt the recomⁿ [recommendation] ... of having the mines mapped and dialled¹⁴ by ... Humphrey Livesey of Hardybutts near Wigan, Land Surveyor, whom the Trustees direct to be employed accordingly for the purpose". James Woods, lessee of the Arrow Estate, had asked for the lease to be abandoned; interim arrangements had to be made for the eventuality. There being no quorum (four Trustees in attendance), the meeting was adjourned to 1 Aug 1831.

The meeting on 1 Aug 1831, the AGM, was attended by five Trustees who accepted the annual statement of accounts. At a previous meeting on 25 Oct 1824, it had been resolved that the Master should be charged £12 p.a. as rent for the stable and croft originally purchased by Rawstorne. The trustees now decided that, as the new school had been built on part of the purchased field, and as the rest of the land had been "appropriated to the use of the School as a play

Ground and a further part of it attached to the Garden ... the arrear of rent now appearing in the rental be remitted [and] that in future no Rent be charged to Mr. Bayne for this Field"¹⁵. Terms for the relinquishing of the lease on the Arrow Estate having been agreed upon, it was decided to advertise the letting of the estate. Two Trustees, Messrs Eaton and Lyon, were to be asked to act as a committee "to regulate the mode and terms of letting". Referring to their previous requirement re the mapping of the mines at Tyldesley (Trustees' Meeting, 24 January 1831), the Trustees ordered the Receiver "to get them mapped and dialled by a proper person, Mr Livesey ... being now dead". Approval was given to the Head Master's appointment of the Rev Robert Law as Usher on an annual salary of £100¹⁶.

At a meeting of the Trustees on 10 Oct 1831 at which only three members attended, hence no quorum, it was recommended that their next meeting in January, "pursuant of Rule 17", should be a Special Meeting to consider the Head Master's application for a further allowance of the Funds of the School.

The counterpart of a lease from the Trustees for "several Messuages or Dwelling houses Farms and Tenements with the Barns Stables Shippons and other Outbuildings etc ... " (Jan 1832) shows great attention to detail. The farming arrangements were laid down with precision. The new lessee, Stanley Garner, was to have the scheduled lands and properties from the second day of February "then next ... save a convenient close of land to be used as and for an outlet or Boozing pasture"¹⁷.

The period of the lease was for 11 years. The use of the property and land was clearly laid down, with provision for regular inspection:

"To the Tenantly uses therein contained and according to the best rules of good Husbandry and subject to the approval of a

competent and impartial Land Surveyor who might be appointed and employed by the said Lessors ... at each or any of their annual meetings."

Further clauses concerned the annual payment of the rent of £290 on 24 June to the Trustees' solicitors, with the requirement of "a further yearly rent of £290 for every acre of land that [the lesses] should plough, dig up or convert into Tillage or use contrary to the Covenant Stipulations and restrictions", and instructions concerning the procedure in the case of bankruptcy.

The Special meeting set for 23 Jan 1832 failed to produce a quorum (4 Trustees in attendance), so that the consideration of the Head Master's application for additional payment was postponed until the AGM in August. It was proposed and recommended that, at the AGM, the number of Trustees be brought up to 16.

The AGM was held on 20 Aug 1832, with 6 Trustees in attendance. Concerning the Head Master's request for augmentation, the Trustees decided that he was entitled to half of the surplus of the rents and revenues, as if the new school had not been built, exclusive of moneys from the coal mine, for the period 1829-1832. Five new Trustees were nominated who were to be asked if they were willing to serve¹⁸. The re-opening of the School had been postponed until 3 Sep 1832, and would be postponed further if necessary because of "the Epidemic Disease, called Cholera", a matter to be determined "under the advice and with the Concurrence of Dr Kendrick and Mr Bayne". They authorised payment of £300 to Rawstorne as part of the purchase money for his field.

The deed of feoffment between the existing Trustees and the newly appointed five Trustees was completed 25 and 26 Jan 1833, in time for the Trustees' Meeting on 28 Jan 1833 when the Trust Deeds were signed. On this occasion, the Head Master presented a nominal roll of the 19 Free Scholars then in the School; three Free Scholars were

admitted on that day. It was ordered that a committee of five Trustees should be appointed to meet a deputation from the Town "to hear certain Complaints regarding the management of the School, and in conference with the Master to suggest its remedies"¹⁹. It was also open to any other of the Trustees to attend if they so wished. It was ordered that Rawstorne was to be paid in full his purchase money for the field, stable and premises at School Brow - bought of him to annexe to the School property out of School Funds"²⁰.

The Committee of the Trustees with the Head Master met the Deputation of the Inhabitants on 4 Feb 1833 at the offices of the Trustees' solicitors. The committee was joined by two additional members, James Leigh and Thomas Parr. The Inhabitants were represented by Peter Nicholson, John Clare and John Haddock. In their report on this meeting, the Trustees present at the investigation, having considered the statements before them and having asked the Head Master about "his present plan of conducting the School", proposed that sundry regulations should be adopted in the conduct of the School. These were further to the "Rules and Regulations" of Chancery and enjoined the following.

Attendance of the staff at School (*re* Rule 16) should be strictly adhered to. The Usher was to be present "at the hour of meeting and the Head Master in attendance within half an hour after the School has met".

Concerning the afternoons, the Trustees decreed: "One half of the school time shall be devoted to Grammatical and Classical Instruction and the other half to writing and accounts".

They enjoined,

"That no distinction of any sort, on other grounds than those of merit, be suffered to exist between the Boarders and Free Scholars, But that the School, and play ground be during the prescribed hours indifferently open to all."

They then dealt with a problem allied to the foregoing, *ie*

distinctions between the treatment of Boarders and Free Scholars; this point concerned casual holidays and the headmaster's right to grant them:

"That the Red Letter days²¹ be not allowed as Holidays, but a discretionary power be left to Mr Bayne to indulge the boys with such holidays as he thinks fit, provided only that the same days shall be Holidays both for the Boarders and the Free Scholars."

Their next direction concerned expenses incurred in buying books, a problem more pressing on Free Scholars than on Boarders. The Head Master was asked to indicate "by a written note to parents ... what books he requires to be provided and what [books] he does not require, but recommends".

It was arranged that, at the next AGM, regulations would be established respecting the Usher and the Writing Master. A wish was expressed that for the future "a Library of books of reference and maps may be provided and attached to the School at the Expence of the Estates".

These "sundry regulations", aimed at supplementing the "Rules and Regulations" of Chancery, indicate weaknesses and shortcomings in the "conducting of the School" as envisaged by some of the townspeople of Warrington. Bayne, however, saw the charges as "some most unreasonable and absurd complaints". The reference to supervision (Rule 6) indicated that in the opinion of the locals this was still defective and so supervision was demanded from "the hour of meeting". The complaint concerning the teaching of writing and accounts showed the importance which the townspeople placed on these two subjects, which had featured in their requests since the beginning of the Case in Chancery. The subject of casual holidays was then regularised and was further defined later by the Trustees (*see* Trustees Meeting, 5 Aug 1833). In the Foundation Deed, casual holidays were allowed only "at the request or desire of a great worshipful Man".

The complaints demonstrated a continuance of the antipathy and suspicion against the boarders of the locals, of whom the more revolutionary probably took the view that the boarders were profiting from the charity and taking up places which could have been filled by Free Scholars. There was still a feeling that boarders received preferential treatment, both academically and socially. The repeated complaint about the absence of supervision probably arose from fear of bullying or horseplay at unsupervised times.

Negotiations for the completion of the purchase of "Land, Stable, Shippon and Outbuildings" from the Rev R A Rawstorne were completed by indenture of lease and release on 28 and 29 May 1833²². In that document, the history of the negotiations was rehearsed: on the land owned by Rawstorne (while still Master of the School), the Trustees "had erected and built a new School room ... but had not till lately been enabled from the state of the Trust funds to make good and pay unto ... Rawstorne their agreed purchase money ... but being then enabled to do so ... the Acting Trustees were minded and desirous and had applied to ... Rawstorne to appoint release and convey the same unto the Trustees ... ". As has been stated, the final payment of £681.2.0. was made on 29 May 1833 "for purchase of a field and prēs at School Brow, Warrington"; the "Bill of Costs for New Trust Deed, Conveyance from R A Rawstorne and other law business" for £63.17.6. was paid on 25 Jun 1833²³.

At the AGM on 5 Aug 1833, three matters from the meeting of 4 Feb 1833 were considered. The Trustees confirmed the order made at that meeting concerning the allocation of time in the afternoons between grammar and writing/accounts. Concerning casual holidays, they decreed that these should be restricted to 9 days, *viz*: Shrove Tuesday, Ash Wednesday, Good Friday, Easter Monday, Easter Tuesday, King's Birthday, Whit Monday, Whit Tuesday, 5th of November.

The Trustees asked the Head Master to indicate clearly what books were required and what books were recommended.

One of their resolutions on other matters gives an interesting side-light into the domestic arrangements of the times:

[It was resolved] "that a Pigstye be erected for the convenience of the School premises, under the superintendence of Mr Bayne, the master, and that the Expençe thereof be defrayed by the Trustees".

Since their last meeting (in January), 13 Free Scholars had been admitted.

The next meeting of the Trustees was 20 Jan 1834, by which time there were 32 Free Scholars in the School, including one admitted in the previous September and 3 on that day²⁴. The Head Master reported that the roof of the new School was defective. The builder, Thomas Fletcher, was sent for and he proposed to examine and report on the condition of the roof. An order was made for a survey of the lands at Wigan in preparation for new contracts.

The AGM of 1834 was held on 4 Aug when the Head Master reported that there were 32 Free Scholars in the School, inclusive of 5 boys admitted on 21 Jul 1834²⁵. The report and survey of lands at Wigan were received and orders were given for the "clear annual rents" of £13 and £18 for 11 years "on agricultural terms". Notice was given for consideration at the next AGM of the introduction into the curriculum of French and other languages "as will not interfere with grammatical learning and such teaching to be separately paid for by the parents of boys wishful to learn the same, without infringing on the Funds of the School".

At the time of the Trustees' meeting on 26 Jan 1835 there were 32 Free Scholars in the School, including 5 admitted on that day²⁶. It was resolved that parents wishing to withdraw their sons from School were to be required to give one month's notice which was to be published with the half-yearly notices of re-opening. Notice of re-

opening every half year was to be given at the time of the previous closure. Thus the former casual method of withdrawal and of reopening the School was to be restricted and formalised.

The next AGM was held on 3 Aug 1835, by which time 32 Free Scholars were in attendance, including 8 admitted since the previous meeting for whom no details are available. The report on the estates had been received and the Trustees showed considerable interest in the prospects for coal-mining. They gave approval to the Head Master to appoint an Usher "at such hours as the Head Master thinks fit, but the Expences to the Trust not to be greater than those at present".

The next meeting of the Trustees took place on 18 Jan 1836, when 32 Free Scholars were reported as being on the roll. The appointment was approved of Mr Bartram as Usher in place of the Rev Robert Law²⁷.

At the time of the AGM on 1 Aug 1836, 30 Free Scholars were in attendance, including five new admissions²⁸. Five leases for land at Wigan were signed, following the arrangements made at the AGM 4 Aug 1834²⁹. Concerning the daily routine, the Head Master made a recommendation which showed his progressive and enlightened attitude: he recommended half-an-hour's recreation in the playground after 10 a.m. which "would be of advantage to the health and tuition of the Scholars" and would not interfere "with the teaching of grammatical learning". Further evidence of Bayne's progressive outlook was to be seen in his recommendation, accepted by the Trustees, that half-an-hour each day should be devoted to writing and arithmetic.

In 1837, the method of recording used in the List of Scholars changed. Henceforth, the lists were compiled for January and August annually and provided nominal rolls of the Free Scholars in attendance, but without their ages.

At the Trustees' Meeting on 30 Jan 1837, 30 Free Scholars were on the roll. Arrangements were made for insuring the School for £300

against fire and the School House for £700. Mr John Haddock, who had applied for a copy of the accounts from 1828, attended the meeting and complained that writing was not being taught sufficiently³⁰. His request for a copy of the accounts was declined. In reply to his complaint *re* the teaching of handwriting, the Trustees sent the following reply:

"That this Meeting is aware of the importance of writing and arithmetic being more fully taught than now is at the Grammar School, to persons desirous of obtaining Education to qualify them for commercial pursuits, but the Trustees do not feel that they can adapt the mode of teaching at the School more fully to those intending their sons for commercial Life in the present state of the Funds of the Trust, and because it would interfere with the original Foundation of the School as a Free Grammar School, for the teaching grammatically the Learned Languages, as declared by the Decree in the Court of Chancery".

The AGM on 7 Aug 1837 was an uneventful meeting. It was reported that there were 27 Free Scholars in the School.

At the Meeting of the Trustees on 29 Jan 1838, John Haddock attended, complaining that Rule No.2 (teaching of handwriting) was not being observed. Mr Roulton, the Writing Master, was called in and stated that each boy had the advantage of 10 hours instruction per week in handwriting, geography, arithmetic, algebra and Euclid "according to his age and abilities" and that the Free Scholars were better than many he had known elsewhere.

From that point onwards, the financial transactions of the School were to be conducted through an account at a local bank:

"Receiver was to pay all rents received and collected ... into the hands of Messrs Parr, Lyon & Co, Bankers, Warrington, to an Interest Account on a previous understanding with them that they will continue to make any temporary advances requisite for the Current Expenses of the School ... "

(Messrs Parr and Lyon were Trustees of the School.)

There being no quorum at the AGM on 6 Aug 1838, no business was conducted. The List of Scholars shows that there were 21 Free Scholars in the School³¹ Some attempt was made at this point to

record details of some of the leavers, *eg* one left to be an assistant in a school and "is to be entered at college". Another was removed "without notice"; while another left "to be apprenticed to Chemist".

At Midsummer 1839, eight Free Scholars were admitted. Of four of these boys, the following records were made:

Boy W. *aet* 9: "Cannot read words of more than four letters and even those very imperfectly; his mind a perfect blank on all subjects".

Boy X. *aet* 11 " ... was formerly admitted at Midsummer 1835 - removed in less than 12 months. He had forgotten all the classical learning he acquired here and has learned scarcely anything else".

Boy Y. *aet* 12 " ... read without intelligence, has never learnt grammar of any kind, and is utterly uninformed on all subjects".

Boy Z. *aet* 12 " ... has been very erroneously taught Latin; attempting to construe with a very imperfect knowledge of grammar, generally uninformed".

On 20 Oct 1838, John Fitchett, the Receiver and Legal Adviser, died. He had represented the Trustees locally during the Case in Chancery and had been responsible for implementing the legal requirements of Chancery. He was succeeded by his partner, Joseph Wagstaff, who was appointed by the Trustees at their meeting on 21 Jan 1839. John Haddock again attended and made representations about the Head Master, but the Trustees declined to "entertain an Application thus irregularly made" and insisted that he must make "a distinct and separate charge in writing" before they would enquire into it. There were 29 Free Scholars listed at this time. One boy was granted leave of absence "that he may be taught to read". Five

boys were admitted³².

During this part of Bayne's tenure of office, the educational scene in Warrington had been expanding slowly. Following the government's grant for education in 1833, the Rector of Warrington, the Rev and Hon Horace Powys, (brother of Lord Lilford), successfully applied for a grant and the first Church school was founded in that year. In 1838, a further school, St James at Latchford, was founded. Such schools depended to a great extent on public subscriptions, for the promotion of which public meetings were held. Prior to one such meeting in January 1839, a broadsheet was published in Warrington, addressed to the Earl of Stamford and Warrington "and other the Trustees of the Free Grammar School of Warrington" in which the anonymous author claimed that those Trustees already had the means of providing for "National Education" in the annual income from the bequest of Sir Thomas Boteler. It was argued that the money was not originally intended "simply ... for the education of some *twenty* of the sons of inhabitants of Warrington", but that he left

"an ample provision by means of which, the youth of this town should become in a future day the distinguished ornaments of every honourable trade or profession, whether the Merchant's Office, the Camp, the Bar, the Pulpit, or the Senate".

The writer then asked why the Free School of Warrington was "comparatively deserted" when 800 children were provided for by the two schools of the town, and he gave as answer "the defective system ... with which your masters ever have been, and will be shackled so long as it continues in operation ... ". Towns such as Bolton, Manchester and Macclesfield, and many others, had discarded that system so that their schools " ... are now rising, Phoenix-like from their ashes, and have become what their Founders designed them to be: seminaries for the instruction of youth in every attainment, which can make the Scholar and the Christian". He appealed to the Trustees to take similar action, so that "if the Law will not permit you to

effect such changes as the times demand, Parliament will". He urged them to use "your large resources for the public good, not for a miserable minority"³³.

The reference to Macclesfield was particularly relevant, for in 1837 the governors of Macclesfield School decided to establish a modern school, under the control of the grammar school headmaster and governors, but with its own headmaster, to offer instruction in writing, arithmetic, mathematics, modern languages and other useful subjects, but to be prohibited from teaching the classics and from taking boarders. They obtained a private Act of Parliament and the school opened in 1844₃₄.

At Bolton, in 1784, an Act of Parliament was obtained which empowered the Governors (*inter alia*) to appoint a Headmaster and usher,

"to teach and instruct the Children and Youth ... not only in Grammar and Classical Learning, but also in writing, arithmetic, geography, navigation, mathematics, the modern languages, and in such and so many branches of Literature and Education as shall from time to time, in the judgement of the Governors ... be proper and necessary to render the Foundation of the most general use and benefit"³⁵.

The anonymous writer of this broadsheet gave full expression to the dissatisfaction with the conditions at the Free School and the misuse of the Charity's resources which had been openly articulated since the turn of the century and covertly before then. For him, "National Education" was the "all-pervading" subject, to whose advantages "the lower orders of Society are powerfully alive", while "the middle classes are dead to every such feeling". In the light of his view, expressed in the terms of the class struggle, it is possible to understand the willingness of Warrington inhabitants to complain at any possible deficiency in the management of the Free School and its charity and their constant demand for changes to the curriculum.

At their meeting on 5 Aug 1839, the Trustees heard of an offer from John Wright, lessee of the Arrow Estate, to buy that estate. A special meeting of the Trustees was to be called to consider this proposition. At this time there were 24 Free Scholars on the roll. At Midsummer 1839, 3 had been admitted and 7 had left including the three sons of John Haddock.

The Special Meeting called to consider the offer for the Arrow Estate was held on 7 Oct 1839 at the Lion Hotel, at which 10 Trustees attended. The general view was that it was advisable to sell the estate, provided that the purchaser's trustees paid the expense of an enabling bill in Parliament. The Trustees duly recommended this sale to the Patron.

The half-yearly meeting of the Trustees, held on 27 Jan 1840, was, in the absence of a quorum (only 3 Trustees attending), uneventful. There were 28 Free Scholars on the roll, including 4 new entrants; 4 Scholars had left since the previous meeting.

At their meeting on 10 Aug 1840, the Trustees decided to apply for the right to sell the Arrow Estate; Joseph Wagstaff was to be the Receiver. They approved the Head Master's provision of a teacher of French. He was allowed to charge £1.11.6 per quarter. The Trustees required that, in future, boys seeking admission were "to have made a reasonable proficiency in reading and spelling before they are admitted".

The Enabling Act of 1840.

The Enabling Act received the Royal Assent on 23 July 1840³⁶. It was an Act to,

"enable the Trustees of Boteler's Free Grammar School, at Warrington, in the County of Lancaster, to effect a Sale to John Wright, Esquire, of an Estate called the Arrowe Estate, in Arrowe, in the County of Chester, and also to sell, exchange, and lease certain other Estates, belonging to the said School; and also for the general Management of the said School, and for other Purposes".

Thus, in addition to the original purpose of permission to sell the Arrowe Estate, it ranged over other matters concerned with the duties and functions of the Trustees and with the management of the School.

The Act first rehearsed the various deeds and decrees by which the Charity's estates had been provided and managed from the Foundation Deed of 1526, of which a detailed summary was given, through the settlements of 1607-1610, the case in Chancery, 1810-1814, down to the purchase of land from the Rev R A Rawstorne and John Wright's offer to purchase the land at Arrow. This review of the history of the Charity ended with a plea from George Harry, Earl of Stamford, and his fellow Trustees, to be empowered to sell the Arrow Estate.

Sections II and III dealt with the technicalities of the financial transactions of the sale, by which John Wright was to pay into the Bank of England "in the Name and with the Privity of the Accountant General of the High Court of Chancery to be placed in his Account there ... " and of the certificate and receipt of the Accountant General and of the Cashier for that sum of money.

The remainder of the Act was concerned variously with the functions of the Trustees. Section IV appointed 14³⁷ of the 16 Trustees in the Trust Deeds of 25/26 Jan 1833 to be Trustees of the

"said School and Charity" (two of the original sixteen having died in the meantime), so that in Section V the Trustees were empowered to bring their number up to sixteen. Following on from this authority, the Act departed from the customary arrangements for the selection and appointment of Trustees in two main ways. Firstly, existing Trustees were to appoint new Trustees "when and so often" as any vacancies occurred "at their next or any subsequent Meeting, or at any meeting to be called for that Purpose ... in order that there may be at all Times the full Number of Sixteen Trustees ... ". This was a radical change from the original practice of waiting until the number of Trustees was reduced to four or six before new Trustees were appointed; henceforward there were to be sixteen "at all times", making, it may be presumed, for the greater efficiency of the management, so that the management of the School should not suffer from neglect, indifference, or self-interest, as had happened in the past. Secondly, the status and domiciles of newly-appointed Trustees were more specifically prescribed than had been the former practice. The persons nominated were to be "possessed of Real or Personal Estate within the Parishes of Warrington, Winwick, Leigh and Grappenhall". It was also required that a majority of the Trustees "shall be resident in the said Parishes, or within Fifteen Miles of the Town of Warrington". Both these requirements established in the Trustees an interest in, concern for, and knowledge of the locality. They may also be interpreted as an attempt to create a body of Trustees who could be assembled reasonably easily and who were of independent means.

Section VII made specific and detailed provisions for the first meeting of the Trustees for putting the Act "into execution". They were to meet at the School House "or some other convenient Place in Warrington ... on the Second Monday, in the Month of August next

after the passing of this Act, or as soon after as conveniently may be, at the Hour of Twelve o'Clock at Noon". Emergency meetings were also provided for in Section VIII, in which it was laid down that an emergency meeting might be held at the request of three Trustees or by them through the Trustees' Clerk at not less than seven days' notice and with an agenda, but that at such a meeting "no Business shall be transacted except such as shall have been specified in the Notice convening the same". The acts of the Trustees would not be "deemed to be good and valid" unless they were made and done at an official meeting of the Trustees. At every Trustees' meeting, one of those present was to be appointed Chairman by a majority and was to have "besides his deliberative³⁸ vote ... a casting vote in case of an Equity of Votes" (Section IX).

Sections X and XI dealt with the recording of the minutes and with the keeping of the accounts. The books in which they were kept were to be available at all Trustees' meetings.

Sections XII and XIII extended the authority conferred by Chancery concerning the Trustees' power to appoint officers such as Treasurer or clerk "when soever they shall think necessary, by writing under their Hands", to assist in the execution of the Act. They were empowered to dismiss them and to pay them out of the funds of the School and Charity (Section XII). The two offices, however, were not to be held by the same person nor by such a person's partner (Section XIII).

Sections XIV to XXIII were largely technical, dealing with the sale and development of other parts of the Charity. Section XIV extended the power to sell or exchange other lands and messuages, "with the Approbation of the Court of Chancery, to be obtained on Petition in a summary³⁹ way", thereby dispensing with the need for a further appeal to Parliament and providing an easier and quicker way.

The method of payment was to be through the Bank of England (Section XV). Section XVI dealt with the procedure where an exchange of land was involved. Sections XVII and XVIII dealt with the investment of purchase monies. The Court of Chancery was empowered in Section XIX to make orders on the expenses involved in the transactions ensuing from such undertakings. The Trustees were empowered to make leases on coal or minerals in the Charity's lands and were instructed as to the use of rents therefrom. They were also empowered to grant building leases (Section XXI) and to contract for granting leases (Section XXII) for not more than 21 years (Section XXIII).

In Section XXIV the conveyance of land from the Rev R A Rawstorne was "ratified and confirmed" by the Act, this being the only piece of land not established by ancient practice.

Section XXV to XXVII dealt with more domestic aspects of the School. By Section XXV, the Trustees were empowered to make Rules and Regulations with the approval of the Bishop of Chester in writing:

" ... touching and concerning the ordering and directing any of the Masters, Ushers and Scholars of the said Schol and Charity, and the ordering and governing, Preservation and Disposition of the Estate, Rents, Monies, and Revenues, and sustaining of the same School and Charity, and the repairing, improving, managing, and directing of the said Trust Estates and Premises, and touching and concerning all other Matters whatsoever for the Regulation and Management of the said School and Charity, Trust Estates and Premises, and relating thereto ... "

They were empowered to "alter, vary and repeal" such rules and regulations " ... from Time to Time ... as they shall think necessary or expedient". Such Rules and Regulations as they might make were not to be "contrary to the Provisions of this Act" or to the Laws of England and, when they had received "Confirmation ... by the Court of Chancery, to be obtained on Petition in a summary way ... " they would be "binding upon and observed by all Persons" and would be "sufficient in any Court of Law or Equity to justify all Persons who

shall act under the same".

By Section XXVI, the Trustees were enabled to allow "if they shall think fit" a pension to a Master who was retiring "from Age or Disability of any kind after a period of not less than Fifteen years Service". This pension, to be paid out of the revenues of the School, should not exceed "One Half of the annual Salary ... enjoyed by him as Master of the said School, and so that the Funds of the ... School be not diminished in such Manner as to prejudice the salary of the Master to be appointed in his Stead". (The situation created by Bordman's retirement was clearly not to be repeated.) The Trustees were given authority to increase the salary of the Writing Master to a sum not exceeding £100 and to add to his present duties the teaching of arithmetic and mathematics (Section XXVII). (The demands of the locals were thus recognised and provided for.) The curriculum was further expanded by Section XXVIII which stated that the Trustees were empowered to provide "a Teacher competent to give Instruction in the modern Languages, Literature, Arts and Sciences, and to charge for the Instructions to be afforded by him

" ... such reasonable Sum as the said Trustees may think fit to the several Pupils whose Parents or Guardians may be willing that they should receive the same; or if at any Time hereafter the Revenues of the said Schools should, in the Judgment of the said Trustees, be sufficient to remunerate such Teacher, then it shall be lawful for the said Trustees to grant him, out of the Funds of the said School, an annual Salary not exceeding One hundred Pounds, and from thenceforth no extra sum shall be demanded by the said Master in respect of the Instructions to be afforded by such Teacher".

The Act concluded with two clauses, of which one (Section XXIX) protected the claims of those who had any rights under the will of Sir Thomas Boteler and subsequent pieces of litigation. The other (Section XXX) gave orders for the Act to be printed by the Queen's Printers.

Also included in the document were two schedules of the properties involved in the Act. The First Schedule listed the

properties in the township of Arrow with which the Act was initially concerned. The Second Schedule listed the properties in the remainder of the Charity's estates.

The requirements of the Enabling Act of 1840 were directed almost exclusively at the Trustees. By the Act, they were empowered to sell not only the estate at Arrow, but any other parts of the Charity's possessions, provided that such a deal was profitable and that they had permission of the High Court of Chancery. Similarly, they could arrange leases of the Charity's properties. The financial arrangements for such transactions were clearly laid down, as also were the terms on which leases could be granted. It is, however, in the structure of the formation of the Trustees that fundamental changes were effected. Their number was no longer to be allowed to degenerate into a modicum of the original establishment, as had been the practice hitherto; vacancies were to be filled as soon as was possible. The selection of future trustees was further defined. They were to have a vested interest in Warrington and/or its environs, with the majority of them living within a distance of 15 miles from the town. They were to put into immediate effect the enactment of the Act and arrangements were made for their first meeting to that end. The procedure for their meeting, for voting thereat, and for the calling of special meetings was specified. Their authority over the Master, the Ushers and Scholars was established as also was their right to make Rules and Regulations. Thus they were to be a self-perpetuating body and therefore a stable source of management and authority in a situation which, with the inevitable changes of staff curriculum and finance, was constantly and unpredictably liable to change. Thus, the Board of Trustees, as envisaged by this Enabling Act, differs greatly from that as witnessed and experienced by the Rev Edward Owen.

The Trustees met on 8 Feb 1841 for the purpose of putting the Enabling Act into execution. That apart, for which a committee had already been formed to manage the sale of the Arrow Estate, the meeting was taken up mainly with domestic matters. They accepted the Head Master's recommendation that a wash-stand should be available in the School Room. The Head Master had reported that the ceiling of the School House was in a state of bad repair because of the imperfect state of the roof; the matter was referred to the appropriate committee. He had also recommended the appointment of a Writing Master and this was to be considered at their next meeting. There were at this time 32 Free Scholars in the School.

The meeting of the Trustees on 9 Aug 1841 received the report of the Committee formed for considering the investing of the monies from the sale of the Arrow Estate⁴⁰. This committee recommended the purchase of an estate at Cheadle, near Stockport, belonging to a Mr Henry Harrison, at a cost of £11,000; this had been approved by the Master in Chancery, but the deal had not been completed. The Trustees directed that the estate at Cheadle should be let by Messrs Lyon and Parr at a rent of not less than £300 p.a. They deferred any decision concerning the appointment of a Writing Master because of the "uncertain state" of the Charity's funds. Having authorised an inspection of and estimate for possible repairs to the kitchen chimney, the Trustees directed that the Head Master was, in future, to refer any urgent repairs to two Trustees, for their sanction. There were 38 Free Scholars in the School at this time.

The Resignation of the Rev T V Bayne

The text now draws largely upon a correspondence between the Head Master and the Trustees which resulted from Bayne's intention to resign his post at Warrington, given by letter to the Trustees at their meeting on 14 Feb 1842⁴¹. This correspondence⁴² provides an insight into the problems which had faced the Head Master, as he saw them, of which the impersonal records of the Trustees' transactions give no hint. The correspondence also gives a vivid record of a deteriorating relationship between a headmaster and his trustees, which provokes a further comparison with the situation at the time of the Rev Edward Owen.

In indicating his intention to resign, Bayne stated that he had been offered the perpetual curacy of Broughton, near Manchester, which he had accepted. He would submit his formal resignation when he had decided on the date of his departure. He had been asked by Lord Lilford, the Patron of the School about the salary of the Master and "other advantages, actual or prespective, which might be held out to candidates when the vacancy is advertised". This request had caused Bayne to consider the terms of his employment.

In his fourteen years of service, he had had "a very laborious charge with a remuneration falling very far short of what [he] had been led to expect when [he] undertook it". This was due not only to his payments to Bordman (£2,100 to date) but to a disappointment of income and to "heavy expenses with which [he] could not reasonably have expected to be incumbered". His salary of £300 p.a. had, by his payments to Bordman, been reduced to £150. He had been led to expect, from the provisions of "Rules and Regulations" No.3, "half of the surplus income of the charity", being £90 "according to the patron's advertisement", of which he had received "not one farthing".

Indeed, if there was no surplus, he felt that it was hard that he should have been induced "to take a charge with the provision of remuneration that never was to be fulfilled.

Concerning "heavy expenses", he was not complaining about "alterations and improvements for [his] own conveniences", which had amounted to almost £600, "but repairs of the house *bona fide*, and things absolutely necessary for the School, these from time to time have amounted to not less than £200, such repairs as "of roof and stairs, old cistern and cellar, pump, larder, fences main sough, doors, windows, & Co, & Co, besides gas, cupboards & warming in the School". These repairs were not, it was true, ordered by the Trustees, but many of them

"would not admit of delay; [he] could not ... wait half a year for the roof, stairs or windows to be ordered to be repaired; from the old cistern and cellar with an obstructed sough arose affluvia w^h was intolerable as well as dangerous to health ... "

which could have produced a "malignant fever ... which terminated fatally ... [and] ... made prompt measures absolutely necessary".

In view of the delays which reference to the Trustees would have effected, Bayne considered that the Trustees' meetings would be better held at the end of the half-year, rather than at the beginning, so that appointments of staff and orders for repairs might be put in hand during the holidays. The existing arrangement for meetings had made consultation difficult, even when special meetings had been called. (It is clear from Bayne's remarks that he did not normally attend the meetings, but only when called for; his letter begins: "As I cannot be present at your deliberations ... ".) In addition, many of the meetings had failed to produce a quorum⁴³. Where he had forestalled the orders of the Trustees for repairs, he himself had paid for such repairs. On another occasion, there had been a long delay in the execution of the repairs and a lack of

courtesy on the part of the workmen: " ... men [came] into my house in my absence without any cognizance or permission, [did] their work ill and by negligence & carelessness damage and disfigure my furniture".

His salary had been even further reduced as a result of "some most unreasonable & absurd complaints as to the negligent manner in w^h the School was conducted. Allusion was especially made to the writing & arithmetic with a demand that a writing master should be appointed"⁴⁴. This was in accordance with "Rules and Regulations" Rule 3, but the appointment was not "acceded to on the part of the Trustees", so that Bayne, at his own cost, had maintained a Writing Master, in addition to an Usher, since 1835. These appointments were not to be confused with the Usher appointed for the private pupils to whom Bayne paid £75 p.a. "and his board beside". He had informed the Trustees of these matters; they had replied that some allowance might be made when there was an improvement in "the state of the funds".

Over the years, Bayne asserted, his appointment as Master, except in the saving of rent, had not been worth "a clear £50". The payment of his salary had been inexplicably delayed, although he had been obliged, in the meanwhile, to pay Bordman's annuity and the salaries of the Ushers and the Writing Master. During that period, however, he had "continued to live in hopes", supported by the prospect of the sale of the Arrow Estate which had led him to expect that "a better prospect was not far distant". To such hope, the Chairman's answer had been that no improvement in the funds could benefit him. Accordingly, Bayne had told Lord Lilford that, as far as he could judge, the revenues of the Charity "were in a depressed state" and he had hinted that "the School might be relieved of some of its difficulties by suspending the appointment of Master for a twelve month". He concluded by leaving this suggestion with the Trustees,

along with the problem of Bordman's bond. He asked for information and of their intentions, so that he might answer Lord Lilford's enquiries.

On the order of the Trustees, Joseph Wagstaff, their Clerk, replied to Bayne, 23 Feb 1842. He expressed the regret of the Trustees that, in view of Bayne's appointment to Broughton, "the School will be deprived of your able assistance". He then dealt systematically with Bayne's letter of 14 Feb 1842, referring on each point to the "Rules and Regulations approved by the Master in Chancery which settles the Master's allowances" and requesting that Bayne should express to Lord Lilford the Trustees' willingness to give him "any information in their power, concerning the School and its revenues, should his Lordship think proper to apply to them for that purpose". At their meeting on 14 Feb 1842, the Trustees had expressed their opinion that it was not desirable to restrict the Head Master from taking boarders in the lifetime of Bordman.

The Trustees, however, were not responsible for any disappointments concerning salary which had followed on from his application for the post. The augmentation which might have come from surplus funds had, at Bayne's suggestion, "been devoted to other objects and absorbed". The Trustees were unable to recommend then the creation of surplus funds "by the suspension of the Functions & benefits of the School, but they have no wish to trench⁴⁵ upon the province of the patron by giving any opinion upon this subject".

Concerning the times and occasions for their meetings, the Trustees were of the opinion that they had not heard any objection before, but that they were willing to consider any alterations of the times of their meetings which would be of greater convenience for the Master and the School. Furthermore, it was pointed out that the meetings had been fixed for the beginning of each half year "at the

request of all parties, in order that the Trustees might act as referees in any case for the admission of Scholars in which the Master might entertain a doubt."

Concerning the payment of bills for alterations and repairs, the Trustees' committee for this subject (consisting of Messrs Lyon, Parr and Greenall) had found that bills for repairs of School and School House which had been certified by one or more Trustees had in fact been paid. There were, however, bills incurred for work authorised by Bayne which the Trustees did not consider chargeable to the Trust Estate. These bills had not been submitted as "claims" but for "favourable Consideration in case an improved state of the Fund should induce the Trustees to discharge them"; there had been no such disposable surplus.

Bayne's complaint concerning the delay in the payment of his salary for the "last half-year" had, the Trustees felt, been explained at their meeting and rectified. The inconvenience could have been avoided if Bayne had followed the usual procedure, of which he was aware.

Bayne's reply, which contained a copy of his answer to Lord Lilford, was read at the Trustees' meeting on 25 Aug 1842. Bayne began by expressing his dissatisfaction with the Trustees' reply. He still maintained that the Trustees had not allowed him his rightful claim to the surplus income of the Charity. Concerning the repayment for repairs to the property, Bayne referred to Rules 13 and 14 of Chancery's "Rules and Regulations" which defined the respective duties of Master and Trustees with regard to the property of the Estate. He had always understood that, as far as the School House was concerned, the Trustees would "undertake such repairs as usually fall on the Landlord". Of the School, he wrote: "I cannot be wrong in supposing that [the Trustees] will do all that is required for the

reasonable convenience and comfort of the Scholars and Master": he did not consider that they had so behaved. He did not expect any return for the "large sums of money" which he had laid out for improvements in the house for his own "convenience and gratification". The cases of the "*necessary repairs*" (his own italics) and "School requisites" were widely different and he asked that the Trustees should "take cognizance" of what he had done in that respect. They had in fact, he averred, considered that these had been done solely on his own directions. The repairs, however, were for things which "admitted no delay", and which if left, "would have been from bad to worse". He then used a justification which might have come straight from Edward Owen: "I have only acted as any predecessor had done ... I had no resource except the exercise of my own judgement". His dilemma had been aggravated by his difficulty in communicating with the Trustees whom he saw only "at the close of their Meeting when they were on the point of taking their departure". When he had prepared "a representation to lay before the Trustees", the meeting frequently failed to have a quorum or failed completely for lack of attendance⁴⁶. All he asked for was "a fair investigation into the merits of the case ... let some respectable Surveyor be consulted who is capable of making an award between a Landlord and a Tenant".

Bayne then pointed out the omission of the Trustees to make any reply to his "representation respecting assistants in the School". At first, he had been allowed £100 for an Usher and £45 for a Writing Master. In "the year of the Cholera" (the summer of 1832), the School opened "with very diminished numbers (I believe only 15)", the allowance of £45 was discontinued, to which Bayne then made no objection, believing that the numbers would soon increase. From Aug 1833 to Aug 1837, although the numbers of Scholars "was always 30 or

upwards", the Trustees did not reappoint the Writing Master. In 1835, Bayne engaged a Writing Master at a cost to himself of £60 p.a., plus board and lodging; since then he had kept an Usher and Writing Master, in addition to another assistant for his own convenience. He had made no demands for assistants or repairs when he knew that "the funds of the School were depressed", but, "after the advantageous Sale of the Arrow Estate", he had hoped that "something would have been done", and, that with 40 boys in the school, it was not unreasonable for him to expect an allowance for a Writing Master.

He rejected the reply that the occasion and timing of the Trustees' meetings had been fixed at the request "of all parties", since he had not been consulted in the matter. He had not needed the Trustees to act as referees for admission, since "the admission of Scholars rests with the Master". Meetings at the end of the half-year would enable the Master to "consult the trustees about repairs, appointment of Ushers and other things which absolutely require to be done, or are best done in the holidays".

He was at pains to make it clear that his complaints were not only of a financial nature, and then continued,

"but that having performed the duties of Master according to the best of my judgment and ability, for fourteen years with only half the Salary, at most, to which the Master is justly entitled, I have had in every way to bear additional burthens with which I conceive, I ought not to have been encumbered".

With this letter to the Trustees, he enclosed a copy of his reply to Lord Lilford in which he commented on points in the Trustees' letter to him which have already been reviewed in this text. In the rest of his reply, he makes clear his feeling of the unfairness of his treatment from the Trustees, particularly when compared with their treatment of Bordman. Of particular interest is the section of the letter in which he wrote of his early ambitions for the School.

His "expectations" were not limited to fiscal matters; he had hoped to raise the School to the level of regional fame and importance.

With this latter point in mind, he examined the opinion of the Trustees "that it is not desirable to restrict the Head Master from taking boarders during the life time of Mr Bordman". This, he suggested, "sounds like an opinion that it is desirable so to restrict himself in the event of Mr Bordman's death". This represented for Bayne a restriction in which,

" ... as Master, I can have no interest, but as being one in which the character of the School is deeply engaged and one which must give a very decided complexion to the advertisement for my successor, I will venture a remark or two.

"In the first place, on what ground is the Master to be restricted? This is not a School simply for the Town of Warrington, but as has again and again been decided, for the Counties of Lancashire and Cheshire, and if so, Boys from distant parts of these Counties are eligible as free Scholars, and I can conceive no place so fit for them to board in as the Masters house. This is a public Grammar School like Repton or Bridgnorth, or Shrewsbury⁴⁸ and possesses ample funds for securing the services of able Masters, & for maintaining a respectable character as a Classics School; such a restriction, would be, I believe, wholly without precedent in any similar charity in the kingdom, would degrade the School and limit to a circumscribed locality benefits which the founder designed should be widely diffused ... ".

If the implied restriction was upheld, then, Bayne suggested, the advertisement would have to read:

"Wanted, a Master for the G.S. at Warrington, salary £150 with the privilege of taking Boarders as long as a retired predecessor shall live, but then liable to be discontinued".

After this display of sardonic humour, Bayne immediately returned to reality with the question:

"What man in his senses would lay out a large sum of money, as he must do in order to take boarders on such terms? And what Man of ability or reputation would take the office for the bare salary. He could not afford to occupy a house & premises Liable to such heavy rates and taxes, as well as other expences ... "

To Bayne, it was clear "that the Trustees of themselves have not the power so to restrict the Master". The limitation was such as

would "of necessity degrade the School and alter its character".

In the reply of the Trustees concerning Bayne's expectations for augmentation in 1828, they had denied any responsibility, but Bayne here suggested that Lilford's advertisement of the post of Master had been based on information supplied by the Trustees and so they could reasonably be regarded as having some responsibility.

His reference to the failure of the Trustees to appoint Ushers and a Writing Master (already referred to) ends with a point not previously made, which brings out Bayne's feeling of injustice:

"The Boys in the School are now nearly 40 & the funds largely increased, still at their [*ie* the Trustees'] last meeting they persisted in their refusal, tho' in the case of my Predecessor Mr Bordman who was in the receipt of the full income an Usher at £75 and Writing Master at £45 were allowed".

From this point onwards, Bayne draws comparisons between the Trustees' treatment of Boardman and of himself.

Again, he felt resentment towards the Trustees' attitude concerning the payment of bills for alterations and repairs. These, he claimed, had been considered by a committee,

"who never come near the premises to enable them to form any just estimate of the matter, & who simply report without examination or enquiry that what I have done is not chargeable to the trust estate. Here we are at issue. I maintain that the repairs which I have done do fall on the Trust estate. I refer to Rule XIII where I find that I am bound to keep in repair simply the window glass whitewashing and painting inside, and to Rule XIV which plainly leaves other requisite work to the trustees".

Some bills which he had presented four years earlier were still in the hands of the Trustees. He felt that in all these cases he had only acted "as [his] predecessor had been allowed to do". He agreed that such repairs were, in the bills, "necessarily mixed up with other work", but only asked "that what is equitable may be awarded me as was done in the case of Mr Bordman, who was reimbursed to the amount of £120-2-8".

This statement led him inevitably to a detailed comparison

between the financial terms on which Bordman left the School and the terms on which he was leaving. Bordman had received £120-2-8 for repairs, £400 down and an annuity of £150 paid by Bayne, whereas he was leaving with no allowance for repairs,

" ... no portion of the Surplus, as was engaged, encumbered with the payment of an annuity of £150 to his predecessor, and additional expence for a Writing Master who by Rule 2 ought to have been provided by the Trust Estate".

To give further support to his views, he quoted the total income of the Charity as given in the Act of 1840. He calculated that the sale of the Arrow Estate could bring in an income of upwards of £600, exclusive of the income from revenues from coal.

In his penultimate paragraph he returned to the visionary's picture of the School which he had once held and which he considered was still possible with a well-managed estate income:

"With such an income, so excellent a School Room, such convenient premises & a house now in good tenantable repair, & well suited for the reception of boarders, under judicious management there appears to be no reason why 'Botelers Free Grammar School' should not be an Institution of extensive usefulness and high reputation".

Finally, he expressed his regrets at leaving Warrington to which he had been "strongly attached", adding a final thrust:

" ... had the Trustees taken any interest in the School, viewing it as a public Institution in the same light that I do and had they treated me as respects money matters with reasonable fairness no preferment of ordinary value would have induced me to tender my resignation".

In his two letters to the Trustees, one of which contained a copy of his reply to Lord Lilford, Bayne showed a capacity for refined subtlety. Deprived of any direct communication with the Trustees by which he could with propriety express his feelings of grievance and injustice, he created a situation in which he could communicate his emotions to the Trustees. In his first letter he used the need for information from them for his reply to Lilford to express his feelings of disillusion and injustice. In his reply to Lilford,

which he included in his second letter, he was able to express opinions and sentiments on subjects concerning which the Trustees had not asked and which, therefore, he was not entitled with propriety to raise with them.

The committee of Trustees, set up to investigate "the subjects referred to in a correspondence with the Rev^d T.V. Bayne the Head Master", submitted their report at the Trustees' meeting on 5 Nov 1842. This committee had met on 31 Aug 1842 in the presence of Mr Bayne and considered the complaints under five headings.

They first investigated Bayne's "disappointment ... with regard to the amount of his Salary as Head Master". It was claimed that the Trustees were in no way responsible for the advertisement of the vacancy of Master (not then produced) which, along with the duty of selecting a Head Master and establishing the nature of his appointment appertained "exclusively to the Patron". Concerning Bayne's claim to half the surplus revenues of the years 1829 to 1832, it was pointed out that the Trustees' records (20 Aug 1832) contained two conditions which Bayne had seemingly overlooked: the payment was to be made for years in which 30 boys were in attendance and that in those years that number was not reached. The second condition was that such payment was made on the contingency that there was a *bona fide* surplus; a detailed account showed that "there was a considerable defect in each of those years".

The second lead of enquiry dealt with "the expenses incurred for repairs and alterations" for which Bayne had claimed compensation. In some instances, the Trustees considered that claims could have been submitted with previous submissions.

Concerning the "non appointment of additional Masters", Bayne had later indicated that he did not wish to make this a charge against the Trustees who thus merely observed that the order of Aug 1832

"that one additional Master only should be allowed" was the result of "the state of the funds which were then as they afterwards continued under such depression as to render it impossible for the Trustees to increase the number".

Concerning Bayne's complaints about the inconvenient times and occasions of the Trustees' meetings, the committee could find no "representation" from Bayne, prior to his first letter which contained his intention of resignation. The committee pointed out that the current practice had its origin,

" ... some years past, when the disputes between the then Head Master & the Parents of the Children as to the admission of the latter into the School induced the Trustees to alter their days of Meeting in order that they might be appealed to by the Master or parents in case of necessity & the change appears to have been made with the view of meeting the general convenience of all parties interested ... "

The committee left the matter open to the Trustees as to their future course of action.

Lastly, they considered Bayne's complaint concerning the "irregular payment of his salary" and recorded that the problem had arisen "solely from a Mistake at the Bank" and that Bayne "had expressed himself satisfied on this point".

Having considered these five heads, the Trustees returned to the second head (*ie* claims for payments for repairs and alterations) in some detail. They were of the opinion that many of the bills therein produced had been disallowed "solely from a feeling that the works ... however desirable they might be in a more prosperous state of their finances, might be & ought to be dispensed with while the funds of the School remained in so depressed a condition; it also appears that the works had been done without their [the Trustees'] authority". It was accepted that some of the repairs were "such as commonly fall on the Landlord". Having gone carefully through the bills, they had selected nine which they submitted "to the favourable

consideration of the Trustees with a recommendation that they shall be discharged when the funds of the Trust will allow of it".

The Trustees were also of the opinion that gas fittings blackboards and easels should be taken "at a valuation". The payment to Bayne of £102-11-1 was paid on 22 Aug 1844 (*see Trustees' Accounts*).

The Trustees' minutes and the letters between the Rev T V Bayne and the Trustees show the extent of the rift which had developed in the relationship between the two parties who were responsible for the management and welfare of the Free School of Warrington. Such is the detail in these documents that it is possible to make an analysis of the sources of this estrangement. The Trustees were, in the main, on the defensive, but the Head Master displayed considerable resentment at the way events had taken. Indeed, a comparison between Bayne's letters and the notebooks of Edward Owen is both inevitable and instructive.

One contemporary witness has written of Bayne that he was "a tall and well-looking gentleman ... His manner and demeanor, very different from his predecessor's, inspired the respect which is so essential in a schoolmaster ... ". He was a successful teacher, but, if he had a fault, it was "that in his anxiety to bring his scholars forward he changed their books too often, and so sometimes neglected to ground them sufficiently in their grammar." (This last comment explains the source of the parents' demands that he should indicate which books were required and which recommended.)

He assisted both the Rev R A Rawstorne, the Rector, and his successor, the Hon and Rev Horace Powys, "as a Sunday curate in the Church services". To the latter, Bayne "gave able assistance in raising money for building and carrying on the National Schools in Warrington ... ". As a preacher "Mr Bayne had many recommendations,

his voice was sonorous and good: his sermons, which were carefully prepared, were so delivered and the solemn truths they contained were given with such an emphasis and earnestness as left his hearers without excuse if they did not carry away what they had heard". He played "a brave part" in assisting the Rector during the outbreak of cholera in Warrington in 1832. He was ahead of his time in his ideas on education, as, for example, in his annual excursion for the boys for such visits to see the maritime activities of nearby Runcorn and Weston and to explore the local system of canals⁴⁹.

Another local historian⁵⁰, one of Bayne's former pupils, attributed to Bayne "the most valuable part of [his] education" and the speedy recovery of the School's popularity "which it had lost under his predecessor". Bayne was, according to this authority, "an accomplished classical scholar".

Bayne was also innovative in his attempts to extend the curriculum with the introduction of French and other modern studies. He showed in a clear appreciation of the educational requirements of Warrington:

" ... the charity would much better meet the wants of the inhabitants, if the education given were not so exclusively classical, there being comparatively few who appreciate a classical education, or to whom such instruction in after-life is likely to become so useful as a more competent knowledge of commercial matters; he recommends that the study of Latin and Greek should not be compulsory, that instead of one, there should be two Schools, one exclusively for commercial education; and that a sufficient salary should be offered to a competent teacher to conduct the same. In the other School (attendance in which should be optional with the parents of the scholars) classical instruction might be given, as it is at present"⁵¹.

This extract shows Bayne's recognition of the demands of local people for an education suitable for their sons, while, at the same time, he wished to retain the essential nature of the Free Grammar School.

He was aware of the need for some system of hygiene in the School and for the needs of his pupils for recreation and relaxation between

periods of study. Above all, he had an ambition for the School to be more than a parochial Institution, for it to take its place among the growing schools of its day. In this respect he had met with some degree of success for, according to a contemporary authority, he had made the School so well known "as to induce many persons of good position at a distance to send their boys to him as boarders ... ". This probably contributed to the continuation of the School since " ... the grant made to the late master for life had withdrawn so large a sum from the school funds ... "52.

But, from the beginning of his tenure of office, he had been dogged by financial constrictions. His salary had been halved by Bordman's annuity. The expected augmentations had not materialised. The numbers in the School, on which such augmentation depended, had been seriously affected by the closure of the School during the cholera epidemic. His requirements for additional staff, especially for a Writing Master, had frequently been frustrated because of the financial state of the Trust. There was, in addition, a marked lack of direct communication between him and the Trustees. He attended their meetings only when specifically called upon to do so. His only contact with the Trustees was the brief period when they were leaving the School House at the end of their meetings. Such a lack of communication had led to misunderstandings about payment of salary and repairs. This feeling of isolation was further aggravated by a sense of injustice, all of which led to his resignation. First, he had expected some monetary improvement from the sale of the Arrow Estate, the biggest asset of the Charity, but he learned that he was to have no benefit therefrom. Then a comparison of his treatment by the Trustees with their treatment of Bordman led inevitably to a feeling of injustice, in view of Bordman's disastrous management of the School, a feeling which, in view of his recently-gained

preferment, he expressed clearly in his letters to the Trustees and, above all, to Lord Lilford

The Trustees, for their part, were working under some difficulties; they no longer enjoyed the unchallenged freedom of action of their predecessors; accountability, nowadays so important a feature of public life, had to be reckoned with. On the one hand, they were aware of an articulate element in the townspeople of Warrington, whose complaints had initiated the case in Chancery and whose successors attentively observed the internal management of the School and were seemingly ready to complain when the occasion arose. In particular, these citizens were sensitive to any difference in the treatment between the Free Scholars and the Boarders. But even more dominating was the knowledge of their ultimate accountability to the Court of Chancery by whose rules and regulations and final judgments they had to act. They were constantly concerned with the financial state of the Trust, frequently finding themselves in economic difficulties, for which the euphemism "the present state of the Funds of the Trust" was often used. Thus, they were unable to provide the Head Master with his requirements for supplementary staff and provision of repairs and improvements. Such was the situation between these two sources of management which led to the Head Master's resignation in 1842.

Chapter IX

Conclusions

CHAPTER IX

CONCLUSIONS

This final chapter is an evaluation of the research as a whole, in the form of a review of the methods used in the investigation and of the contribution of the work to the data of history specifically and, more generally, to the study of education with particular reference to its administration. In the course of the review, note will be made of issues worthy of further exploration but which lie outside the scope of this enquiry which had dealt with much material not previously examined.

The aim of this present work was, *in essence*, to examine and analyse the conditions whereby a "free grammar school" was founded in Tudor times and then to establish the subsequent history of that foundation within a prescribed period of time. Thus it was designed as an in-depth study, concentrating on a narrow subject over a long period of time (in this case, over three centuries) as distinct from an "in-width" study, encompassing a wider number of subjects considered in a briefer time-span. Such a design may be criticised as being so restricted as having no appeal beyond its narrow confines. A defence may be made that the minutae of the in-depth study provide insight and dimension to the generalised movements and tendencies recorded by the wider studies and that a clearer picture of the activities of, say, a whole community may be reconstructed, a view which the wider studies do not provide. Such a defence, however, presupposes the availability of a sufficient variety of records dealing with many aspects of the given subject within the limited area and covering a wide range of experience.

One of the main contributions to the data and records of history of this present work is to be found in the variorum edition of the Foundation Deed of the Free School (Chapter I and Appendix II). The re-appearances, after a lapse of 200, or possibly 300, years, of two original copies of the Foundation Deed of 1526, one as recent as 1977, provided the stimulus for this investigation, so that, along with two 19th century copies, a composite edition of the Deed could be constructed, a particularly fitting task since neither of the originals was in perfect condition. It was, therefore, possible to produce a more reliable version of the Deed than any that had been available for previous investigations. It was also possible to compare with the original those 19th century versions of the Deed used in the case in Chancery (1810) and in the investigations of the Charity Commissions (1828). Later investigators, J F Marsh (1858), W Beamont (*passim*), S.I.C. (1867-8), L E Rees (1926), R Charlesworth (1933), had all depended on the 19th century copies.

The detailed analysis necessary for a reliable text of the Foundation Deed provided material over and beyond the needs of that work, subjects which have been touched on in the course of this thesis. One such subject, capable of further investigation, concerned contemporary practice in orthography to which reference has been made in Appendix II, and which was possible because of the different mannerisms of the two scribes who produced the two copies. The variations were to be seen in the different spellings (*eg* use of terminal e, y and i as alternatives, etc), some of which suggested a difference of dialect between the two writers, and in their individual use of scribal conventions, especially with abbreviations. These have been recorded in the notes to the text.

The analysis showed also lexical changes in meaning indicated in the notes. This was particularly noticeable in the work of the 19th

century clerks who produced the copies for the legal proceedings and who were clearly confused by the change in meaning (eg the use of "hearse" as an iron frame fitted over a tomb) and the structure of a word such as *overliver* (or, perhaps, more confusing as *overliu*) with the meaning of "one who lives longer than another or others". Indeed, a history of the Foundation Deed (if such were possible) might show the point at which the originals were no longer in use or available, so that a clerk was working from a copy which might in turn have been made from a defective copy, thus perpetuating errors. One gets the impression that such was the case with C & D in which the clerks did not attempt to transcribe insertions, probably simply because these were already omitted in the copies from which they were working.

The discovery of the School Receipts (Chapter III) made possible a correction concerning the identity of the third schoolmaster. In these receipts there is a further example of the confusion between 17th century and 19th century handwriting, in this case between capital K in 17th century script which was mistaken for capital R in 19th century script, so that *Kinsey* was mistaken for *Rynsey*. The reproductions in Plate III establish clearly the difference between these two capitals. A similar confusion was made (or continued) in 19th century copies of the Foundation Deed when the correct form of the surname *Kightley* appeared as *Rightley*. The receipts themselves provided an example of the routine recording of the School's income.

The identification of two note-books and an account book as being the work of the Rev Edward Owen was a further supplement to the data of history, along with a more accurate dating of the note-books than had hitherto been available. This identification of their author enhanced the contribution of these mss., since it was then possible to fit them into their correct place in the Boteler canon, in view of

the author's identity and reliability (Chapter V).

Another piece of supplementary information was provided by the locating in the Raine's ms. (Chapter IV) of further information not previously noted, concerning Bishop Gastrell's refusal to issue a schoolmaster's licence, which, although it did not provide a final explanation of the Bishop's action, offered hypotheses beyond those given by J F Marsh (*op cit*). Gastrell's doubts as to the correctness of the treatment of the right of nomination of the school master are further developed by J Gorst in his notes in preparation for the case in Chancery when he attempts to keep the problem out of the legal enquiries (Appendix V).

The detailed records of the cases before the Duchy Court of Lancaster and the High Court of Chancery made possible a reconstruction of the involved legal procedures required for the restoration and maintenance of the Free School, no less precise in the 17th century than in the 19th century. The portrayal of the preparations for and presentation of the case in Chancery was further enhanced by the meticulous details contained in the Lilford-Gorst batch of letters. But the records of both these legal cases provide an insight into the legal processes invoked to save a relatively unassuming free school and its foundation and of the various officials and litigants involved in those actions.

The minutes and accounts of the re-formed body of Trustees, following the case in Chancery (Chapters VII and VIII) provided, for the first time in the School's history, an official record of its administration which included a record of the tensions and conflicts between Trustees, Headmaster, parents and public opinion. These minutes, normally very impersonal, were enhanced by the necessity to record letters received from the Headmaster who expressed himself emotionally and with frankness. The minutes also record in 1827/28

the procedure followed when an unsatisfactory and locally unpopular headmaster offered to resign.

This review turns now to the use in this present work of personal documents, letters, note-book, wills, which have made it possible to envisage the personalities and events more clearly than in the cold, impersonal language of official papers, law reports and Acts of Parliament, so that one has a feeling that the usual curtain of protocol has been raised and that one is witnessing the action live. This is true even in the official language of the Foundation Deed, now generally acknowledged for its insight into the life and administration of a school in Tudor times. Its contribution, however, goes beyond this, for in the detailed instructions for the Founder's anniversary may be seen a vignette of the life of a small, south Lancashire market town in the 1520s on the 26th and 27th April each year, and, also, a perception of the Founder's strongly held religious convictions. Similarly, in the Founder's will, may be seen his general generosity and a strong suggestion of lack of trust in his son and heir, a doubt which was to be justified by events soon after his death.

The batch of letters to and from John Gorst, Attorney, of Preston, concerning the preparations to and presentation of a case in Chancery (Chapter VI) demonstrates well the value of letters as a source of history. Unlike diaries and private note-books, letters, once despatched, are beyond the amending hand of the writer. Through these letters, the continuity of which was possible because of Gorst's duplicates, the drives and viewpoints of two sets of contestants may be traced. Of the defendants, the main concern of the Patron was the threat to his right to nominate the schoolmaster, which might be seen as an attack upon his sphere of authority. The Rector, also nominally the schoolmaster, became concerned in the case

mainly at the prospect of his accountability for the revenues of the Foundation and at the possibility of being legally associated with the ineptitudes of the Usher who, in his turn, was concerned with his status and salary and whose rare letters were in so tortuous a hand as to be illegible in part. His ineptitude was admirably demonstrated when he nominated for the defence a witness who testified to the truth of some of the charges.

For the opposition, the Committee of the citizens of Warrington, composed mainly of the emerging social group of merchants, industrialists and entrepreneurs, had been disappointed in their hopes for some improvement in the usefulness of the School generally. Their importance to this present study lay in their diligent demonstration that the terms of the Foundation Deed were being frustrated by the Patron, the Schoolmaster, the Feoffees and others (as expressed in the letters of their legal advisers). Their concern was for a restitution of the benefits conferred by the Foundation Deed; they were not basically concerned with the Patron's right to nominate. Their case was prepared early and they were irritated by the Patron's prolonged procrastination, so that their attorney's letters convey something of the heated atmosphere of the meetings of the citizens who called for action which the Patron found distasteful. From the letters emerges a picture of the two sides facing each other: the Patron, jealous of his rights and, perhaps mindful of current events in France, fearful of revolutionary development; on the other side, the citizens, resentful both of the deprivation of their legitimate access to education (whose value they appreciated) and of the haughty treatment which, they considered, the Patron was giving them.

In a supporting role, many public servants and characters emerge from the letters. The attorneys, Gorst for the Patron *et al* and

G. Bover, and later A. Nicholson, for the citizens, regretted, as professionals, the intransigence of their clients, advised restraint, and viewed with apprehension the costs and delays of a case in Chancery. The letters from Messrs Forster, Cooke and Frere, of Lincoln's Inn, who were to present the Patron's case to Chancery, were usually very succinct, explaining delays at Court because of the intricacies of the system and enclosing opinions of Counsellor Charles Wetherell and Commissions.

Back in the north, the letters of William Ward, Registrar to the Bishop of Chester, were also very brief, invariably ending with the fee for the search.

Thus, from this batch of letters an impression is built up of activity in many places and at many levels on the part of many characters of whom the most distinct is John Gorst, the Preston Attorney, who features in the letters from first to last. His professionalism is evident in his quick mastery of material and analysis of problems, in his realistic appraisal of legal hazards, in his preference for compromise, and in his skill in persuasive pleading in a seemingly irrefutable situation. He appears as a great realist.

The use of personal papers and letters made possible a review of the more private aspects of the relationship between the feoffees/trustees and two headmasters, *viz* Edward Owen and Thomas Vere Bayne. In both instances, the relationship reached a point of disaffection and, with Bayne, led to resignation. In both instances, also, the unsatisfactory state of affairs arose from some aspect of management. With Owen, who had become accustomed to exercising absolute authority, the interference of the feoffees, followed by their failure to carry out their legitimate duties, was irksome (Chapter V and Appendix IV). His resentment of their conduct was so strong

that, in his will, he planned it to continue beyond the grave. With Bayne, his hopes for monetary reward had not been realised, and, as he blamed this on the Trustees, he felt deeply aggrieved, particularly when he compared his treatment with the generous treatment given to his incompetent predecessor. He resented also the lack of communication between himself and the Trustees which, he felt, relegated him to a position of inferiority. Without the freedom of expression allowed to him, he devised a means whereby he could give vent to the vehemence of his feelings.

As a corollary to the following, it is relevant to note that, throughout this present work, special reference has been made to the managerial contributions of the schoolmasters in the prescribed period. These contributions have varied according to the abilities of the masters and the efficiency of the feoffees/trustees. It is, therefore, suggested that a further study of the managerial contribution of headmaster would be useful, but in a wider, more comprehensive context.

This review turns now to the focal point of the study, the Foundation Deed itself, by way of an examination of the effectiveness of the Foundation Deed as an instrument for creating and maintaining a "free school", by tracing the history of its administration in the prescribed period of study and by a consideration of its effectiveness three hundred years later.

Although the Foundation Deed has all the appearance of providing a carefully constructed constitution with its clearly specified rules and ordinances, the fact remains that, within 75 years of its making, an act of reclamation and refoundation was required in 1607 with further revisions in 1820 and 1840. Were there inherent faults in the Foundation Deed or did the problems arise from defective administration? And, whatever the answer here may be, are there

lessons to be gained for modern school-making and administering from the Warrington experience?

The need for a re-formation of the "free School of Warrington" had resulted from the break-down of the administrative structure provided by the Foundation which in turn was the outcome of the virtual demise of the body of Feoffees of whom only one remained, in spite of the Foundation Deed's provisions for the creating of new members. As a result of the absence of this safeguard, by collusion between the two remaining parties, the Founder's heir and the Master, and indeed with the complicity of the sole remaining Feoffee, the lands and properties of the Foundation had passed into other hands and the School was in a state of ruin. The fault was not in the provisions of the Foundation Deed, but in the actions of the very people who should have protected the School. With the benefit of hindsight, it is easy to blame the absence of some overall, effective authority (particularly with the end of the Boteler family) to whom the Feoffees and Master were accountable, although, in fairness to the Foundation Deed, some such provisions had been made, but they obviously lacked sufficient power and authority, for they had been ignored. In the absence of a higher supervisory authority, the survival of the Foundation and the School depended on the intervention of a private individual whose motives may have been altruistic or they may have derived from family feuding: whatever the motive, the School and its possessions were restored. It is noteworthy that the decrees of the Duchy Court were, in the main, directed at the Feoffees with special instructions for the administration of the Foundation's resources. Apart from excluding the Master from involvement in financial matters, the Court's work was supplementary to the provisions of the Foundation Deed.

In spite of the Duchy Court's decrees, without any effective

supervisory agent, the function of the Feoffees declined during the next two centuries so much that some of the Foundation's lands were irrevocably lost (*ie* those in places with which communication was difficult - *see* Map III) and the School's survival depended again on the efforts of individuals, *viz*: some of the more enterprising of the Masters. When, almost three centuries later, a formal complaint was made about its management, it came from a group of citizens of Warrington (as required by the Foundation Deed) and was based on allegations of the maladministration of the terms of the Foundation Deed. Some of the complaints were carping and cavilling (*eg* those concerning the structural enterprises of Shaw and Owen), but others were highly relevant to the business of education and rose from the changes in society since the time of the Foundation, *eg* the expansion in the population of Warrington and the feeling of the importance of education. The place of the individual reformer was taken by an articulate social group, including trades-men, commercial entrepreneurs, industrialists, who may be regarded as the mouthpiece of public opinion. They objected to the reduction of the office of Master to a sinecure, to the narrow curriculum, to the miscellaneous charges made by the Master, and to the failure of the charity to provide education for the increased population. They presented these complaints as a deliberate misapplication of the terms of the Foundation Deed. After the decrees of Chancery, the Feoffees (who were then termed Trustees) were accountable to Chancery whose rules modernised the Foundation's requirements, organised and directed the functions of the Trustees, yet, as far as was possible, retained the spirit and intention of the original Foundation. Thus, it would appear that the original Foundation Deed had provided a comprehensive basis on which the Free School could have functioned if its requirements had been complied with. Its provisions concerning the right of

nomination of the Schoolmaster, a much troubled subject in the latter years of this study, were fundamentally clear, but had not been adhered to, as was evident from the views of Bishop Gastrell (Chapter IV) and John Gorst (Chapter VI). The only alleged ambiguity in the Deed concerned the apparent contradiction between the requirement that all instruction should be free and the right to an annual charge of "four pennies". Other confusions during the prescribed period were usually attributed to practices from former years, especially the, seemingly, inevitable tensions between masters and feoffees.

Little has been said in this survey specifically about the feoffees/governors, yet their importance cannot be overstated. In a general way, they are probably the most important single factor in the survival or decline of an independent school. Although the individual members may change, they constitute a constant supervisory body to which headmaster, teaching staff and ancillary are, in the last resort, answerable, and through which authorities at a higher echelon can operate, for governing bodies usually have a strong local element and are easily available, aware of the needs and problems of an individual school. Yet the literature devoted to them and their social origins and recruitment is sparse.

Throughout this study, attempts have been made to identify and name the feoffees/trustees. Originally they were landowners, many of them local and titled, some of whom were related to the Boteler family. This pattern of recruitment continued and it was not until 1803 that an exception was recorded of the inclusion of a "doctor of physic". Thereafter there was a steady stream of entrants from "small family groups of merchants who ... later aspired to the ranks of the local gentry and who dominated the fortunes of Warrington and its industry" (Proffitt, G.M.A., *op cit*, p.10).

A review of the development of the system of feoffees/trustees at

Warrington at the beginning and end of the prescribed period shows an advance towards a more effective instrument of management. Although the feoffees of 1526 were local landowners, the condition of the roads and the absence of easy methods of communication made the convening of them a formidable task, so that the main administration of the School was carried out by those immediately available, *eg* the Patron, the Master, the Parson of Warrington. This system became inoperative with the decline of the Boteler dynasty. The matter was finally corrected by the provisions of the Enabling Act of 1840, by which the majority of the Trustees were to live within specified parishes near to Warrington or in places not more than 15 miles away. These provisions showed an appreciation of the need for a local supervisory and administrative body for a school, reasonably on hand.

In view of the changes in the selection of governors now taking place at national level (1988) and the possibility of former LEA schools acquiring independent status (some analogy with the free grammar schools), some understanding of the problems which face the sources of influence in a school (*eg* the professional group, the governors, local and central government, social groups with an interest), and which can result in tension, might help in the management and survival of schools. It may be that the experience of the Free School of Warrington, particularly in its darker moments, might be relevant.

APPENDICES

A p p e n d i x I

Three Extracts from the Will of

Sir Thomas Boteler, 1520.

(LRO Box 138/2)

Extract A

First I bequeithe my soul to Almightye God my redeemer and to his
blesside mother oure ladye and to all the holy companye of all saynts
in hevene and my bodie to be buriede if it please Godd in the paroche
church of weryngton before the ymage of oure ladye in Botelers
Chapell in the buriall of myne ancestors nere my father ... and it is
my mynde and my will that my buriall charges be made had and done
after my degre and as shall stande with good manners withoute anie
pompe or pride as foloithe that is to witt I will that foure and
twenty pore men whiche shall holde XXIV torches the tyme of
thobservants of my buriall shall have every of theme a white gowne
and the same torches to be made newe at my costs and that every
persone comyng to my said buriall willing to have dool shall have a
penny desiring every of them to say a pater noster and ave maria and
credo for my soul and that every preste saying dirige and masse as
they shall be appointed shall have xii^d and every clerk syngyng and
doing service at my said burying to have iv^d Also I will that a
dynner shall be ordeyned at my costs for such persons my kynesmen and
other prests as shall come to my said burying Also I will that there
shall be foure trentalls of Saynt Gregory said for my soul at London
at Scala Coeli by four several prests such as my said executors or
the more part of theym shall think convenient to celebrate the same
Also I bequeithe to twenty several paroche churches in Cheshire and
Lancashire as shall be thought most convenyente by my saide executors
to every of theym x^s Also I bequeithe fyve markes in money to be
gyven to the use of the paroche church of weryngton and ten markes
in money to be geven to the pore frere howse of weryngton [*i.e* the
Friary] towards the reparaⁿcon and ornaments of the same after the
discrecion of my saide executors.

[There follows the section concerning the establishment of
the school.]

E x t r a c t B

And whereso I the saide ¹ þ Thomas have ² delyvd by indenture
³ triptede tede in to the custody and keyping of the ⁴ reuēde ⁵ ffather
in god Johnne Abbotte of Whalley that now is fyve hundrethe ⁶ m̄rkes in
golde safely to be kepte to my use and to be disposede at my
pleasure. It is my full will and mynde that myn executors shall have
the ⁷ disposīcon and order yng of the saide sūme of fyve hundrethe
m̄rkes to purchase and obteyne lands ⁸ tents or rents to the yerely
value of ten pounds above all charges or as myche thereof as shall be
unprovidett and purchasede by me the saide þ Thomas and therwith to
found a fre gram̄ scole [⁹in weryngton] to endure for ¹⁰ ev̄ and to
susteyne and beire the charges of the same. And the residue of the
said fyve hundrethe m̄rkes shall remayne ¹¹ aft̄ the saide land ¹² p̄chase
and all costes and charges ¹³ conþryng the ¹⁴ fundācon of the said
gram̄ scole made and had I will that myn executors shall have the
disposīcon thereof to dispose for my soule and my saide wyffes soul
and for the maynetennce of this my ¹⁵ psente testamente. And it is my
will that my executors duryng their ¹⁶ seuall lyves and aft̄ their
decease that my heires from tyme to tyme shall ¹⁷ denōiate name and

-
- 1 *ie* Sir.
2 *ie* delivered.
3 abbr: tripartited.
4 abbr: reverend.
5 *ie*: Father.
6 abbr: markes.
7 disposition (= disposing).
8 abbr: tenements.
9 [insertion].
10 abbr: ever.
11 abbr: after.
12 abbr: purchase.
13 *ie* concerning.
14 foundation.
15 abbr: present.
16 abbr: several.
17 *ie* denominate.

appoynte an honeste preste groundely lernede in gram̃ to be ¹⁸maist
of the saide scole whiche shall say masse pray and do dyvine ¹⁹service
at the saide ²⁰parish church of weryngton for the soule of me the
saide ²¹Thomas Dame Margarete my saide wyffe myn anncestors and
myne heires after theire deceasse. And that all statuts and
²²ordinances ²³concerning the fundacon of the saide scole shall be made
and ²⁴stablyshede by me and myn said executors.

18 abbr. master.

19 service.

20 *the* parish.

21 ordinances.

22 concerning.

23 established.

E x t r a c t C

From the Codicil to the Will of

Sir Thomas Boteler

I ¹ ~~þ~~ Thoms Boteler Knyght holle of mynde have added to my will
 wherunto this ²psnt ³cedule is annexed these Articles ⁴foloyng
⁵ffirst where as my trusty sūvants ⁷ ~~þ~~⁸Willm plutre & Rauf Alyn at
 my costs & charges to my use & to the ⁹p'formace of my will have
¹⁰pchased ¹¹certen ¹²mesis lands and ¹³tents ... in Tyldesley and
 Weryngton within the Countie of Lancastr[~] and also a mese with certen
 lands in Weryngton ... I will that the said feoffes shall stand
¹⁴seasyd of all the said mesis lands and tents with all their
¹⁵apptn̄nce to ¹⁶thuse of the ¹⁷fundacon of the fre gram̄ scole as is
 comp̄set in his said will and the same mesis lands and tents to be
 made sure to the same use by ¹⁸thadvise of my executors and their
 counsell lerned.

[The rest of the codicil is concerned with gifts of a private nature
 to his relatives and to Sir William Plumtre.]

-
- 1 *te* Sir.
 - 2 *te* present.
 - 3 *te* schedule.
 - 4 *te* following.
 - 5 *te* First.
 - 6 abbrev: servants.
 - 7 *te* Sir.
 - 8 *te* William Plumtre.
 - 9 *te* performance.
 - 10 *te* purchased.
 - 11 *te* certain.
 - 12 *te* messuages.
 - 13 *te* tenements.
 - 14 *te* seised = possessed of.
 - 15 *te* appurtenances.
 - 16 *te* the use.
 - 17 *te* foundation.
 - 18 *te* the advice.

A p p e n d i x I I

Foundation Deed 1526

Notes on The Foundation Deed

(References at the end of the notes.)

In 1828, the Charity Commissioners, at the end of their enquiry into the details of the foundation of the Free Grammar School at Warrington reported of the documents that they had consulted: "The preceding abstracts are taken from ancient copies, the original deeds having been lost, and similar copies having been produced and admitted as authentic in a suit lately determined in the High Court of Chancery¹". In 1933, an investigator reported that the original deeds of the grammar school's foundation were lost and that no original documents concerning the school existed prior to 1607². Since then, however, two original copies of the deed have been found, one in 1951 and the other in 1977. Both manuscripts had defects, but, by a comparison of the two with each other, and then by reference to two 19th century copies, it has been possible to establish a text of the deed as near like the original as is feasible at present. The resulting version is based on a comparison of these four documents, designated A, B, C, D, for ease of reference. The individual histories and characteristics of each document are as follows.

Document A.

A is an original copy of the Foundation Deed in the Cheshire Record Office³ where it was deposited in 1977 by a firm of Chester solicitors. The text has become illegible in a few places, largely as a result of folding. It has no additions in the left-hand margin, and one in the right-hand margin. There are a number of inter-lineations which sometimes make for difficult reading. These defects are recorded in the notes on the text. Its legibility and general

condition are good.

Document B.

B is an original copy of the Foundation Deed in the Lancashire Record Office⁴. It was deposited there in 1951 among the muniments of Lord Kenyon. ("Lord Kenyon's ancestors were, *in effect*, the hereditary Clerks of the Peace for Lancashire between 1589 and 1780"⁵.) It has a number of defects, *eg* creases and a patch which obliterate part of the text. It has one insertion in the left-hand margin which is not included in A and a right-hand insertion and interlineations as in A. These defects and additions are recorded in the notes on the text. Legibly, it is inferior to A.

Document C.

C is an undated hand-written copy in cursive style of the Foundation Deed in Warrington Reference Library. It is written on nine sheets of paper on which is the watermark "1796". It was deposited in Warrington Reference Library in 1935 by a local solicitor who had been Receiver (*ie* clerk) to the Governors of the Warrington School. The spelling has been considerably modernised. Its main departure from the original lies in its extensive use of abbreviations (*eg* ye for the; many common legal terms for such words as said, aforesaid). It has 37 entries in the left-hand margin which indicate the nature of the subject alongside.

Only one of these appears on B and none on A. The interlineations on A & B are omitted and are indicated by blank spaces or by added notes about interlineations. The right-hand marginal insertion is omitted. (Thus, until the discovery of the two original copies, no complete text of the Foundation Deed had been available for a considerable time.) Occasionally the ms. fails

because of a semantic problem, eg the use of a word that has become obsolete, or changed. On other occasions, the scrivener seems to have misunderstood or been confused by the handwriting in the copy from which he was working. All such examples and departures from the original are indicated in the notes.

Document D.

D is a modern photographic copy of a hand-written manuscript of whose origin no details are available. It is in the possession of the present writer. It is, in the main, identical in content, but not in form and appearance, with C. Its most unusual feature is that many words abbreviated in C have been written out in full and subsequently deleted with C's abbreviations inserted.

It has been possible to compare C and D with three other hand-written copies, two in CRO and one in LRO⁷. As they are in the main in agreement in content with C and D, the comparison of manuscripts was not extended to include them. Two of these extra copies were intended for legal purposes in the early 19th century. It may therefore be suggested that C, in view of its source, was produced for a similar purpose; the watermark suggests a comparable period.

The inclusion of the variants of C and D make it possible to reconstruct the versions of the Foundation Deed which were used in the High Court of Chancery (1814) and by the Charity Commissioners (1828).

Because of the absence of external evidence, theories of the inter-relationships of these four documents must be largely speculative. A and B are similar in many features. In appearance they are almost identical, being in a clear scrivener's hand, although B's lettering is larger than A's. They are similar in additions and interlineations. In view of the consistent differences

in spelling and the use (or neglect) of abbreviations, it seems unlikely that they were the work of the same scribe. This is further suggested by the absence in A of the left-hand insertion. Since dialect had a strong influence on Tudor spelling, the differences between A and B, especially in words in common or frequent usage, further suggest two individuals, each retaining his own linguistic idiosyncrasies. It is possible that one might have been a direct copy of the other. At this point, however, the most acceptable theory is that one (or both) were the product of dictation, which would certainly be a time-saving method for a skilled scrivener. (The spelling of B shows a greater consistency than that of A.) Many of the insertions of A appear as part of the original text of B; these are usually phrases which act as legal safeguards.

The origins of C and D are equally obscure. Their appearances suggest that they are more or less contemporary, *ie* early 19th century. It is unlikely that they were copies of a true original manuscript, but rather copies of other copies. The unnecessary alterations in D make possible the hypothesis that it was, at least, checked against C or a version like C. D has a few divergencies from C (*eg* an unsuitable tense) which may be the result of inaccuracies in copying. Both C & D omit additions and interlineations. This may be because their writers were working from copies which had similar omissions. Thus with the reappearance of A and B, it is now possible to reconstruct a more complete text of the original.

The object of the examination of these four scripts was, therefore, to produce a reasonable and acceptable version of the Foundation Deed, based upon the information available in the four documents, A, B, C and D. It is not claimed that a "perfect" version has been produced. Manuscript A was used as the basis of the work

and where that ms. failed, recourse was had to ms. B, or, failing that to mss. C/D. These variations are recorded in the notes. It was also an object of this work to produce a variorum edition of the deed, *ie* an edition in which reasonable differences and alternatives are made available. The 16th century spellings of A (or B), have been retained but, where it was considered an advantage, the more modern versions of C/D have been indicated in the notes or, occasionally, in the text. Differences in spelling between A & B have been recorded except where the same examples (*eg* saied, saide, etc.) occurred frequently. These were noted in the original draft and the early parts of the text, but, to avoid repetition, were omitted in later notes.

In this appendix, the examination of the versions of the deed is concerned with semantics. No comments have been made upon the significance of the contents, except where such comment was necessary for an understanding of the text.

REFERENCES - APPENDIX II

- 1 Return of Endowed Charities Vol.III, 1828, p.468, 1908.
- 2 Charlsworth, R. "History of Education in Warrington", p.210 - ms. in WRL.
- 3 CRO, DBC/2391/2.
- 4 LRO, DDKe 64/1.
- 5 From "Calendar to Kenyon Papers". LRO.
- 6 WRL. Ms.1145.
- 7 CRO SL/382/18/1 and 2: 18/1 was required for a law suit in 1813, the details of which are attached to the copy and signed by "J. Marsh and Josh. Wagstaff, (Solicitors, Clerks to the Trustees of Warrington Grammar School)". This may well be the copy referred to by the Charity Commissioners.

LRO DDLi Box 252 No.15, contains the following inscription:

"20 July 1810: Returned the copy from which this copy was taken to Mr. Robt. Rawsthorne", plus initials "J.G." (*ie* John Gorst).

[I]

TO ALL PEOPLE to whom this presente ¹cedule
quadri¹ttited indented made ¹the Sixtenthe
day ¹off Aprill The yere of oure ²Lorde Gd
a ¹thousaunde ²ffyyve hundrethe twenty
¹and six And the Sevententhe yere ²off the
¹Reygne off our ²Soveraygne ³Lorde Henry
the eght ¹By the Grace ²off God ³King of
¹Englande and ²off ²ffrannce Defendõ of the
feithe and Lorde of Irelande shall [¹come
rede here or see ¹Thomas ²Butteler esquier son
and heire of Sir Thomas Buteler Knight] of
the one ¹ptie: [²Dame ³Margaret Boteler late
wiffe] of the ¹saide ²Sir Thomas Ranulphe
pole clerk ¹Richard Sneyde esquier and

¹C:schedule quadripartite; D:quadripartite.

¹C:ye and so on throughout the ms; D:deletes the & inserts ye

¹B:of; ²C: abbrev. Ld Gd - usually through ms; D:changes

Lord God to abbr. Ld God.

¹B:illegible; ²B:fyve.

¹C:abbreviates to & - mainly throughout; ²B:of.

¹B:Reigne; ²B:soveraigne; ³B:illegible.

¹B:by; ²B:of; ³B:Kinge.

¹B:England; ²B:of ffrance.

[¹B:illegible].

¹C:abbreviates to Thom throughout ms.; ²C:Boteler.

¹C:partie & throughout ms. [²B: illegible]; ³C: Margret.

¹C:abbreviates to sd and ²Sr.

¹B:Richarde; C:Richd.

¹William [²plumtre] ³chappleyn executor³ of the
¹Testament and last will of the ²siede 3 ⁴Thomas
Boteler of the seconde ptie: And ⁴Richard ³[Bolde⁴
¹Knight ²William ³Lailond Knight] George
Bothe ¹esquier Ranulphe Brereton esquier John Bothe
esquier Henry ¹Kighley esquier ²Henry Delves esquier
John Holcroft esquier William ¹Mascy esquier Gilbert
¹Culchethe John [²Hawarden ³Richard ⁴Risseley Richard
¹Bruche] ²Thomas Rixton Thomas ³penkethe and Thomas
Morres ²gentilmen ³feoffes of the ⁴landes and Tenements
¹with the ²thapp'tynues ³expressed in the ⁴dede or dedes
quadriptited indented wherunto the ¹seid cedula is
¹annexed of the ²thryde ptie: And ⁴Richard ³Tailly⁴
¹clerk named deputed and ordeyned ²scolemaister

¹C:abbr. Will^m; [²B:illegible]; ³B:chappleyne.
¹C:abbr. Testam^t; ²B:saiede; ³B:Sir/C:Sr; ⁴C:abbr. Tho.
²C:abbr. Rich^d; [³B:illegible]; ⁴C:Bold.
²C:abbr. Kt; ²C:abbr. Will^m; ³C:Lailonde.
¹C:abbr. Esg^f (throughout ms.).
¹C:Rightly; ²C:abbr. Hen^r.
¹B:Massy C:Massey.
¹C:Culcheth [²B:illegible]; ³C:abbr.; ⁴C:Rissley.
¹B:Brush (A's version still in use); ²C:abbr.; ³C:penketh.
¹C:Morris; ²C:abbr. Gents; ³C:feoffies; ⁴C:lands.
¹C:abbr. Wth; ²B:apptenūcs/C:appurta'nces; ³B:expsred; ⁴C:deed.
¹B:saide.
¹C:anexed; ¹B:thridde; ³C:abbr.; ⁴C:Tayllor.
¹B:clerke; 2 This is A's version throughout ms.
B:uses scolemaistr. C:abbr. schoolmr.

These variations are no more recorded in these notes.

of a new free scole made and ordeyned by ¹these
¹presents at ²Weryngton in the countie of ³Lancastre of
 the fourthe ptie ., ¹Sende Greetinge in ²Ȓ Lorde God
¹ev³lastinge: where the ²foresaide þ Thomas Boteler
¹Knight right vertuosely ²callinge to his ³gode ⁴remembrance
 that in the saide countie and shire of Lancastre be
 verey few scoles of ¹gram[̃] wherby ²mennys sonnes
 myght lerne gram[̃] to ¹thentente that they thereby
 myght the better lerne to know ¹almighty God and to
¹þe hym ²acordinge to ³theire duties by vertue wherof
 they ¹myght the better avoyde and eschew all vices and
 use goode ¹mañrs. ²thynkeinge also inwardly in hys
¹hart that ²through the grace and ³goodenes of ⁴almyghty
 god many poore ¹children and yongmen applyinge

¹B:thes.

¹B:psentes; ²C:Warrington throughout ms.; ³C:abbr.Lanc[̃].

¹B:senden; ²B:oure.

¹B:everlastinge/C:everlasting; ²B:forsaide/C:afores^d

¹C:abbr.; ²B:callynge; ³B:goode; ⁴B:remem^taunce.

¹te grammar. Abbr. use throughout ms.; ²B:menys.

¹C:the intent.

¹B:allmighty god.

¹B:sirve/C:serve; ²B:acordinge; ³D: gives your & then
corrects to C.

¹B:might.

¹te manners; ²B:thinkinge.

¹B:harte; ²B:throghe/C:throw; ³B:Goodenes; ⁴B:allmyghty.

¹C:child.

theym selffes to lerne gram¹ which is the originall
 grounde and ¹fountaygne of the whiche douth the ²cedē
 and springe the ¹veray ²mean and playne way to
 come to the clere understandinge of goode lyvyngē
 myght ¹approche to such ²knowledge of the light of
¹grace ²that ³pcase they myght happen to be the verēy
 clere ¹lanterne of goode example in ²vtuose lyvinge
 to all the ¹contre thereabouts to the goode encrease
 and use of vertue and expulsion of all vices fully

¹C:abbr.wch.

¹B:fountayne; ²C:proceed.

¹B:veraye; ²B:meane.

¹B:appreche; ²C:knolege.

¹B:Grace That; ²C:abbr. y^t.; ³ ie perchance/C:chance.

¹C:lanthorn; ²C:vertuous.

¹B:contrey/C:country.

¹entended and ²pposed to have ³stablished

founded and made a free gram̃ scole in

werington aforesaid if it had pleased ¹almyghty

¹god to have suffred hym to have lyved in this

¹transitorye liffe few yeres longer than he did:

Wherfore and for asmoche as it pleased ¹almighty

god to take hym to his ¹infinite ²mercy before the

establishement and ¹foundacon of the same gramr

scole: ¹yette the saide ¹Thomas Boteler by his last

will and ¹testamente declared and willed that the

saide gram̃ scole shulde be ¹afte his deithe founded

and made for ¹eṽ to endure: Wherfore as well

the said Thomas Boteler son and heire of the

¹saied ¹Thomas and the ²saiedes executors of the

¹C:intended; ²B:purposed; ³B:stablessed/D:gives
established and corrects.

¹C:abbr.Allty.

¹B:God.

¹B:transitorie.

¹B:allmyghty.

¹B:infynite, C:infinit; ²B:mc̃y.

¹C:abbr.foundatⁿ.

¹B:Yette.

¹B:testament.

¹B:after.

¹C:ever.

¹&²B:saide.

¹testament of the saide ~~§~~ Thomas and the said ~~§~~
¹Richard Bolde and other his cofeoffes ²aforesaid

consideringe the blessed mynde and goode

¹pose of the saide ~~§~~ Thomas in the

¹piises as is before declared and ²entendinge

the ¹fcte ²execucon of the saide last will of the
saide ~~§~~ Thomas and ¹thacomplisschement of the

same have ordeyned establisshed and made and by these

¹psentes done ²orden establisshed and made a free

gram scole to be kept and holden for ¹ev̄ in Werington

¹aforesaide and also ²dyvse ³[conveniente ⁴ordenances] and

statutes ¹concnynge the same as heraft done ensue:

[II]

FIRST the saide Thomas Boteler the son of the ¹foresaide

Dame Margaret ¹Ranulph ²Richard and ³William pluntre

¹B:testamente.

¹B:Richard; ²B:aforesaide.

¹B:purpose.

¹C:premisses/D:premisses; ²B:entendynge.

¹B:pfite/C:perfect; ²C:execution.

¹B:thacomplissshmente/C:the accomplish^t.

¹C:presents; ²C:ordeyn.

¹C:ever.

¹B:aforesaide; ²C:divers; [³A:illegible]; ⁴B:ordennuys/

D:illegible.

¹B:concernynge/C:concerning.

¹B:forsaide.

¹B:Ranulphe; ²B:Richard/C:Rich^d; ³B:Willm/C:Will^m.

[¹executors] of the saide testament and the ²saides ~~†~~Richarde
Bolde and [¹other] his cofeoffes aforesaide name make and
orden the saide Richarde Taillio¹ clerke scolemaister of
the said free gram¹ scole for terme of his liffe ¹and
¹woll that the [²same Richarde Taylyor and every other
priest wich ¹shall be chosen scolemaister] of the same
scole for the tyme beinge shalbe named and called
the scolemaister of Botelers free scole of werington: And
it is agreide ¹between the saides ²pties that the saides
¹Richard Bolde and other his saide cofeoffes theire
heires and assignes from hensforth shall stande
and be ¹seased ²[of and] in one house ³sett ⁴lying and
¹being in Werington aforesaide sette in a certen lane

[¹B:illegible/C:exors]; ²B:saids.
[¹A:illegible/reading from B].
¹C&D:clerks.
¹B:And.
¹C:wolle; [²A:ms. confused because of interlining:reading
from B]
¹B:shalbe.
¹B:bitwene; ²te parties.
¹B:Richarde.
¹C:seized/OED:(law) to put in possession of/having in legal
possession; [²inserted in C]; ³omitted in C & D; ⁴B:lyinge.
¹B:beinge.

there called Bag lane and also of a lyttle crofte
¹adionynge to the same on the northe ²pte of the
same house to the use of the saide scolemaister for
the tyme being therein to kepe the saide free scole
And that the same ¹mease shalbe named and
called the scolehouse of werington aforesaide [¹for
¹ev] and that the same scolehouse yerely
shalbe ¹repayred and kepte withe ²convenyente
¹re~~pa~~cons at the costes of the saide
scolemaister and of [¹any other prst ²(which shalbe)]
scolemaister of the same scole for ¹ev.
Moreover the ¹saide ²pties ben ³agreide that the
saides ~~þ~~ ¹Richard Bolde and other his saide cofeoffes [²and]
theire heires and assignes fromhens forthe

¹C:adjoining; ²C:parte.

¹te abbr. form of message; (law) dwelling-house with
outbuildings and land assigned to its use (OED).

[¹B:illegible].

¹te ever.

¹B:repaired; ²O.E.D. gives 16c use: of time, due, proper,
suitable.

¹C:reparatⁿ/A is probably an abbr. form of reparations.

¹[B:illegible]; ²(interlineation in A).

¹ever.

¹B:saides; ²C:parties; ³B:agreid.

¹B:Richard; [²B:omits].

shall stand and be seased of [¹and in] all the
messuages ¹landes ²tents rents and ³~~þ~~ vics
with theire ¹apptenuncs ²exprised and
declared in the saide dede [¹or ³dedes] quadripited
indented wherunto the cedula also quadripited
indented is annexed to ¹thuse of the
saide ~~þ~~ ¹Richard Taillio and [²of ³ev other]
pste [¹which shalbe] scolemaister of the saide scole as
long as he or they shalbe scolemaisters of the saide
free scole for his ¹stipende, wages and lyvinge
and for such other ¹thynges as ²heraft³ is
specified And shall suffre him [¹and theym] to
take and [¹rceyve] yerely all ²the issues
revenues and ¹~~þ~~rfetts what so ²ev they shall be

[¹illegible in A & B: here as in C].
¹B:lands; ²ie tenements; ³abbr.form - services.
¹C:appurtenances; ²B:expressed.
[¹A:interlineation]; ²B:deds.
¹ie the use.
¹B:Richarde; [²B:illegible]; ³ie every.
[¹A:interlineation].
¹B:stipend.
¹B:thyngs; ²B:hereftre.
[¹A:interlineation].
[¹B:illegible]; ²B:thissues.
¹B:prfettes/C:profits; ²C:ever.

¹coming or ²growing of the same: Except and
¹re¹ved only such ²meases ³lands and ⁴tents
in Tildesley within the ¹county of Lancastre
which were lately the landes of John¹Chaydock and
Hugh ¹Chaydock or either of theym of which meases
lands and ¹tents the [²saides ~~þ~~ Richard] Bolde
and other his cofeoffes shall make a lease and
[¹dimysion] by dede indented tripartited [²unto
Thurstan Tildesley equier] to [¹have] to hym and his
assignes for term of thre score yeres
¹yeldynge and payinge therefore yerely [²at termes
¹usuel to the] saide ~~þ~~ ²Richard Bolde and others his
cofeoffes to ¹thuse of the ²said scolemaister and of
[¹levy other pste whyche shalbe chosen scolemaister

¹B:commynge; ²B:groynge [at this point A has been folded
and is difficult to read.]
¹C:reserved; ²C:meses; ³B:landes; ⁴B:tenements.
¹B:countie.
¹B:chaidok/C:chaddock.
¹ ibid.
¹B:tenements/C:tenem^{ts} [²B:illegible].
[¹B:illegible], C:dimysion/OED - (obs) - to convey by lease;
[²B:illegible].
[¹A:damaged].
¹B:yeldinge/C:yielding; [²B:illegible].
¹C:usuall; ²B:Richard.
¹ ~~te~~ the use; ²B:saide.
[¹B:illegible]; A:heavy interlining at this point.

then for ever thre poundes fourtene] shylyngs fourepence
 by ¹evyn ²porcous withe clauses of
 distresse and [¹re entre for nonpayment of] the
 saide rente by a certen day to be specified in
 the saide dede: And incase the saide Thurstan or
 his heires woll require at any tyme within the
 saide terme the saide Sir Richard Bold and
 other his cofeoffes or any other feoffes whiche
¹herafte shalbe ²seased of the same ³meases lands
 and ¹tenements to thuse afore rehersed to make to
 hym or theym [¹an] ²other ³dimision or lease of the
¹saides landes in Tildesley for other threscore yeres in
¹man and forme as is before rehersed Then the
 same feoffes ¹shalbe redy to ²acomplisshe the same at

¹ie even; ²C:portions.

[¹B:illegible].

¹B:herafte; ²C:seized; ³C:messes.

¹C:abbr. tenants.

[¹B: ms. damaged]; ²C:another; ³C:dimysion.

¹B:said.

¹C:manner.

¹B:shall be; ²C:accomplish.

the costes and charges of the saide Thurstan
 Tildesley and his heires and so from tyme to tyme
 for ¹ev̄ as often and many tymes as the same
 feoffes [¹so to do within any ter]me of LX yeres
 or at ¹thend thereof shalbe by the saide Thurstan
 or his heires reasonably required:

[III]

And it is agreide bitwene the saids pties That when so
¹ev̄ it shall happen ²twelffe of the saides feoffes
 to decesse and ¹iiii of the residue to ²overlive that

the same ¹iii so ¹overlvinge shall within one
 monethe then next ¹folowing enfeof[²fe therein

¹C:ever.

[¹B: ms. damaged].

ie the end.

¹C:ever; ²B:twellffe.

¹B:foure; ²B:ov̄lyve/C:ōlive/D:ov̄live.

OED: overlive (rare) - to live longer than, [to outlive].

¹B:ov̄lyvinge.

¹B:foloynge; [²B:ms. damaged].

¹*ie* priests.
¹C:persons.
¹*ie* parishes; ²C:winwick.
¹C:Groppenhall (mod: Grappenhall); ²B:aforsaide.
¹C:appointed; ²B:saides.
¹B:premysses; ²B:discreptions/C:diserctions. Probably best interpretation from B in the sense of "careful decisions".
[¹B:illegible].
[¹in B only]; ² *ie* the use.
¹B & C: And.
¹B:saides; ²B:sixtene.
¹B:misses. ²B:ou' liffe.
¹B:agreed; ²B:so ev.

too h]onest ¹^psts the whiche too psts
imediately shall refeoffe to the seide iiii feoffes
and xii other of the most honest and discrete ¹p_fsons
of the ¹p_firshes of werington ²wynwick leghe and
¹gropenhall ²aforsaide to be named and
¹appoynted by the ²saide iiii feoffes of an in
the ¹premises after their ²discrecyons:

To have and to hold to [¹theym their] heires
and assigns [¹to] ²thuse and intent above
declared ¹and so from tyme to tyme as often
as by ocasion of deithe it shall happen
iiii psons of the ¹saide ²xvi infeoffed in the
¹puysses to ²ou'live the other xii:
[IV]
And it is also ¹agreide that when so²ever the saide Sir

¹Richard Tailliō now made scolemaist[~] by these
 [¹psentes (²or any other scolemaister) there shall happen
 to de cease] or to be removed from the maistership
 or the ¹Rowme of scholemaister of the saide free scole
 for eny [¹cause] herafter declared That then the saide
 Dame Margaret Ranulphe [¹and] ²Richard and ~~§~~ William
 pluntre and the overlivers of theym shall
 name and appoynt an other ¹honest and discrete pste
 sufficiently and ¹groundly lerned in [²gram] and able
 to teche gram[~] to be scolemaister of the said scole
 for terme of his liffe ¹and after the decesse of the
 saides Dame Margaret Ranulphe pole ¹Richard Sneyd
 and ¹William pluntre That then [²the saide] Thomas

¹B: Richarde.

[¹B:illegible] (²A: ms. confused because of interlining).

¹te official position of - OED.

[¹B:illegible].

[¹omitted in B]; ²B: Richarde.

¹B: honest.

¹OED = of instruction: thoroughly instructed or educated;
 [²B:illegible].

¹B: And.

¹B: Richarde Sneyde.

¹B: Will^m (at end of line); ²[B:omitted].

Boteler son and heire of the saide ¹Sir Thomas Boteler
 and his heires of his body begotten and for
¹default of heires of his body then his ²right heires
 from tyme to tyme whensoever the saide scole shall
 happen to fall void of a scolemaister by dethe
 or otherwise shall name appoynte and putt in
 an other ¹honest and discrete ¹prst ²ground[³ly seen]
 and learned in gram and able
 to teche Gram to be ¹scolemaist^e of the said ²fre scole:
 And if it happen the saide Thomas Boteler
 or his heires of his body and for ¹lake of heires
 of his body his ¹right heires within a monethe next
¹afte the ²advodance of the saide scolemaister to be
¹negligent and ²remisse and do not name

¹B: ~~4~~.
¹B:defaulte; ²*ie* rightful.
¹B:honeste; ²B:groundely; [³from C: A - illegible].
¹B:scolemaister; ²B:free.
¹B:lakke.
¹ *ie* rightful.
¹B:after; ²B:thadvoydannce.
¹C:abbr.negligt; ²B:remysse.

¹apoynte and [²putt in] ³an other ⁴scolemaist⁴ when and ¹apoynte; [²B:illegible]; ³C & D:another; ⁴B:maister.

¹C & D: parson.

¹B:succssrs.

¹C:nomination.

¹B:aforsaide; ²C & D:&.

¹B:aforsaide.

¹B:negligent, C:abbreviates, D:in full - then abbreviates;
²B:remisse.

¹apoynt and [²putt in] ³an other ⁴scolemaist⁴ when and

as often as the saide free scole shall fall voide

as is before declared That then the ¹pson of

werington aforesaide for the tyme beinge and his

¹successrs ¹psons of werington aforesaide shall have

for that tyme onely the ¹nomynacon and puttyng in of

a new scolemaister of the saide gram¹ scole as

often as the same free scole shall fall voide as is

¹aforesaide: ²And in case the saide ¹pson or

eny of his successrs ¹psons of werington ¹aforesaide shall

happen to be ¹neglygent and ²remysse and do

not name nor putt in an able honest and

discrete ¹st as is aforesaide to be scolemaister

of the saide ¹fre scole in the space of an other
monethe then next ¹foloynge That then the [²warden of
the (¹college of Manchester)] and his successors for the
tyme beinge shall name and appoynte a
scolemaister of the saide free scole in like ¹forme
as the saide ¹pson shulde have done: And in ²like wise
in the tyme of the ¹vacacon of the said ¹sonage
¹The saide [²warden] and his ³successors shall have the
¹nominacon and ²appoyntment of the saide scolemaister
for that tyme only as ¹oft as the same scole shall fall
voide the saide ¹sonage then beinge voide of a
¹pson: And for the statutes and ¹ordenncs of the saide
fre scole [¹to be made]:

[V]

It is ordeyned and statuted by the saides ¹ties in the form
foloynge:

¹B: free.
¹B: foloynge; ²[B:illegible].
¹(A:illegible, C & D: abbreviated).
¹C: for/D:form.
¹C: parson; ²C & D likewise.
¹C: vacation.
¹B: the; [²B:illegible]; ³B: successors.
¹B: nomynacon/C & D: nomination; ²B: appoyntement.
¹B: often.
¹C: ordenances.
[¹inserted in A/not in C].

FIRST it is ordeyned that the saide

¹scolemaist[~] shall teche eny scoler

[¹com[~]yng] to the saide scole afte [²Whittingtons]

[~]gram and ¹makyng or afte suche

forme and suche gram[~] which shalbe moste

used to be [¹taught] hereaftre [²in free gram[~]] scoles and

the same to be taught freely and ¹quytly

[¹without] takinge eny ²rewarde [³stipende] or

scolehire or eny other thinge by ¹p[~]myse

¹graunt or ²covenant before made eny

¹feriall day excepte ²three feriall ³dayes

next before the festis of the Nativite of ¹o[~]

¹B:scolemaister - and throughout the text.

¹B:illegible]; ²[B:illegible] see Marsh *op cit*, pp.57-58 n.

¹B:makinge.

[¹&²B:illegible].

¹B:quitly.

[¹A:illegible: from B]; ²B:reward [³B:illegible].

¹C:promyse.

¹B:graunte; ²B:covenaunte.

¹Feriall -OED: feriall - pertaining to the days of the week or to a weekday as distinguished from a festival: a weekday not a feast or festival. *cf.* with the use of the term (feryall) in Foundation Deeds of Macclesfield Grammar School.

²B:thre; ³B:daies.

¹B:oure/C:our.

Lorde god [¹Ester] and [²penticoste] and other
 thre feriall ¹days next aft^r the saides
 festes [¹:] Excepte the saide scolemaist^h shall
 happen to have a reasonable lette or
 impedymnt [¹pvyset all wayes] that it
 shalbe [¹lawful] to the scolemaister and evy
 other [¹scolemasters] for the tyme beinge to
 take of eny scoler of the saied scole
¹lernyng gram[̄] foure penyes ²by year that
 is to say in the quarter next after ¹Cristyumas
 a cokpeny And in ¹evy of the thre
 other ¹quartes in the yere one ²potacon
 peny and for the same potacon penyes
 that the saide [¹ scolemaister] for the tyme

[¹B:illegible]; [²inserted above in A/B:penticost].
¹B:dayes.
 [¹B:omitted].
¹[B:ms. damaged/C:provided].
 [¹A:illegible/B:leefull/C:lawful].
¹[interlineation in A & B].
¹B:lernynge; ²ie a year.
¹C:Xmas.
¹ie every.
¹B:quarters; ²C:potation.
 [¹B:ms. damaged].

beinge shall make a ¹drinkinge for all
 the saides scolers in ¹any of the saide ²iii
¹quarts in the yere: And that the ²saied
 scolemaist^r shall ¹gyffe no ²licnce to eny
 scoler of the saide scole to play in eny
 feriall day if in the weke of the saide
 feriall ¹dayes shall happen to fall one
¹haliday And if it be a ²hollweke ³withoute
 [¹eny haly]day that then the ²foresaide scolemaister
 for the tyme beinge shall giffe ¹licence to the
 said scolers to play on the thursday at
 aftnone onely ¹except it be at the ²request
 or desire of a ¹grete worshipfull man

¹B: drynkyng.

¹B: evy; ²B: thre.

¹B: quarters/C: quarters; ²B: saide.

¹B: yeve; ²B: lycence.

¹B: daies.

¹For haliday OED gives both holyday & holiday as alternatives.

²B: holl; ³B: withoute.

[¹B: ms. damaged]; ²B: forsaid.

¹B: lycence.

¹B: except/C: excepted; ²B: requeste.

¹B: great.

[VI]

[¹ITEM it is] ordeyned by the saides pties that the
saide scolemaist for the tyme ¹beynge and eny
[¹other preste] ²scolemaister of the saide scole ³beinge
within werington ¹pirshe ²aforesaide ³e^uvy
sonday and haliday shalbe ¹personally in the
¹quere of the pirshe churche of werington
aforesaide in his surples to [¹helpe] to synge
rede and say the divyne ¹price [²accordinge]
to his lernynge and ¹connynge: Except [²he]

have a reasonable excuse or ¹impedyment:
Also it is ordeyned that all the ¹scolers
of the saied free scole beinge ¹psent
thries in the weke that is to say sonday

[¹B:ms. damaged].

¹B:beinge.

[¹B:ms. damaged]; ²B:scolemaisters; ³B:being.

¹B:parische; ²B:aforesaide; ³*te* every.

¹*te* personally.

¹*te* choir.

[¹from B/A: illegible].

¹B:vyce/C:service; [²from B; A:illegible].

¹OED cunning/connynge - possessing knowledge or learning;
learned; practical knowledge or skill. C:coming;

²interlinear in A; B:in correct place.

¹B:impedymente.

¹C:scholears.

¹C:present.

wensday and ¹friday shall go too and too
¹togeders in ²pcession ³about^e or within the said
 churche of werington syngynge the [¹full letany
 in the feriall ¹days. And on the sonday or other
¹holydays then singynge]
¹responses or such ²~~4~~vice as to that
 day then shall ¹appteigne and accordinge to the
¹connyng of the saide scolers in songe:

[VII]

Also if the saied scolemaist^r for the tyme
 being or any other scolemaist^r of the said ¹fre
 scole be ¹pved ⁴afore ²thofficiall of ³Chest^r

by ¹iiii ²honest ³psons of werington that he

¹B:fryday, C:ffryday.
¹B:gedders; ²C:processions; ³C:about.
¹[A & B: interlinear; omitted in C & D].
¹B:daies.
¹B:holidayes.
¹C:respondes; ²C:service.
¹C:appertain.
¹C:repeats coming.

¹B & C: free.
¹C:proved; ²*te* the official - OED: presiding officer or judge
 of archbishop's, bishop's or, esp archdeacon's court; in this
 case it would be the latter since the See of Chester was not
 created until 1541. ³B:Chester; ⁴B:before/C:afore.
¹C:four; ²B:honeste; ³C:persons.

is not diligent in attendynge or ¹techinge the
siede scolers or elles be not honest in his lyvyng
by incontynency or viciosenes or elles if he
be not discrete in ¹correccion of the saide scolers

¹B: techyng.

¹C: correction.

That then if the saide scolemaister do not
amende after thre ¹monicons to thereof

¹B: monycons/C:monitions. OED "formal notice from bishop or
ecclesiastic court admonishing person to refrain from some
offence; warning".

to be giffen by him that ¹namys and

¹C: named.

¹appoientes the same scolemaist^e if he

¹B: appoyntes/C:appointed.

then be ¹on lyve and if he be ²diede then by

¹B: on lyffe/C: on live, ie alive; ²B: died.

him that shall have the [¹next] [²no[~]macon

[¹C: omits]; [²B: illegible].

and pyttyng in] of the saide scolemaister That

then the same ¹son to whome the next

¹C: nomination; ²ie remove.

¹no[~]macon shall belonge shall ²amove the

saide scolemaiste and ¹puyde name and putt in
 an other ¹sufficiaunt and able ¹pste to be
 scolemaist^c of the saide free scole for ¹term
 of his liffe as is aforesaide

[VIII]

Also it is ¹ forther ordeyned that [²eny of] the saide
¹scolemaisters for the tyme beinge shall ²appoynt
¹ev^{er} day one of his scolers lernynge gram of the
¹too highest ²formes in the scole one ³aft^{er} an other as
 the ¹saied scolers shall ²sitt in ordre to teche all
¹infants that shall come to the saied scole
 to lerne theire A.B.C. and ¹pm^{ar}es and so
 forthe till they be entred in to the lernynge
 of gram:

[IX]

It is also ordeyned that ¹aswel the saied scolemaist^c as the
 saied scolers of the saide scole ¹in^hited within the

¹C:provide.

¹B:sufficiaunte/C:sufficient.

¹B:terme.

¹C:further; [²A:interlineation/omitted in C].

¹C:gives singular form; ²B:appoynte/C:appoint.

¹te every.

¹B:towe; ²C:fformes; ³B:after.

¹B:saide; ²B:sitte/C:set.

¹B:infantes.

¹B:prymars.

¹B:aswell/C:as well.

¹C:inhabited.

¹fraunches of werington aforesaide bitwene [²Michaelmass]
 and Ester shalbe at the pirshe churche of
 Werington ¹bitwixt six and seven of the
 clock in the mornynge and there shall
 say such prayers as shall be ¹lymytted and
¹written in ²[a] table to be hanged in Botelers
 chappell within the saide churche [¹and] then
 immediately ¹aft¹ that ²thei shall goo to the saide
¹scolehuse and shall ²depte thens at fyve of
 the ¹clock in the after none or by ²fore at the
 [¹discreccione] of the saide scolemaistre: And bitwene
 Ester and [¹Michaelmas] the same maister and
 scolers shalbe at the saide churche bitwene

¹C:franchises; [²B:illegible].

¹C:between.

¹OED: "appointed, fixed (obs)".

¹B:writen, [²omitted in A & B: inserted in C].

[¹omitted in C].

¹B:after; ²B:they.

¹B:scolehuse; ²C:depart.

¹B:illegible; C:four.

[¹B:illegible/C:discretion].

[¹B:ms. damaged].

fyve and six of klok in the mornynge and there
shall say the saied ¹praiers and then
immediatly from ¹thence shall ²depte and goo to the
saied scole And at afternone they shall
depte [¹at seven of the klok:]
[¹And evy nyght aft they shall depte from the
saide scole] The saide ¹maist^e and scolers shall
resorte to the saide church And there shall synge
an ¹antiphon of oure lady and say such praiers as
shalbe expressed in the saide table and then depte
home:

[X]

Also it is ordeyned that if eny of
the saids scolemaisters for the tyme beinge [¹shall]
happen to be seke or ¹disseased so that he shall not be
able to teche the saide scolers that then he shall

¹B:prayers.

¹B:thens ²B:departe.

[¹C:omits; ms. faulty at this point].

[¹C:omits].

¹B:maister/C:Mr.

¹C:antiphone.

[¹A:illegible: from B].

¹B:diseased.

cause an other ¹sufficaunt and able p̄ste to
supplye his ¹Rowme duringe his saide ²sekeness
and disease and shall pay to him suche wages
as they shall agree [¹uppon]

[XI]

Also it is ordeyned that ev̄y scolemaister for the tyme
¹being ²whensoever he shalbe putt in the saide office shall
¹covenūnte and graunte by this dede indented
to him that shall name [¹and appoynte] hym

to be maister of the saide scole that he by all
the tyme that he shalbe scolemaister of the
saide scole shall well and truly ¹ob̄ve
and kepe all the saides ¹ordennyns and statutes
the ¹which of his ²f̄te ought to be ³p̄formed and
kepte And also that he shall not ¹depte from the

¹B:sufficaunte.

¹C:Room; ²B:sikenes.

[¹B:illegible].

¹B:beynge; ²C:whensoever.

¹B:covenaunte/C:covenant.

[¹omitted in A: reading from B].

¹B & C:observe.

¹B:ordenn̄es/C:ordinances.

¹B:whiche; ²*ie* part; ³C:performed.

¹C:depart.

saide office of scolemaister ¹oles he giffe ²one
 quartes warnynge to the [¹same] ²son to whome
 same ¹indentures shalbe made if he be on lyve
 and ¹aft his decesse to hym to whome the
 next ¹nomacon and [²pyttyng in] shall ³ap^{te}teigne

[¹And that he shall ²delyr to the same ³son

this cedule indented whiche he hathe and
 all other writyngs ¹concrnge the said scole
 to theentente that the same may be ¹delyved
 to the new scolemaister.]

[XII]

It is also ordeyned that no scoler shall weire eny dagger
¹henger or other ²wepyn invasive other then his
 knyffe to cutte his ¹mete withe: And that

¹B: onles/C: unless; ²C: a.

[¹A: illegible: reading from C]; ²C: person.

¹C: indenture.

¹B: after.

¹C: nomination; [²B: illegible] ³B: appteyne/C: appoint -
 probably appertain.

[¹This passage is in the rt-hand margin of A & B and is
 not included in C & D]; ²*ie* deliver.

¹*ie* concerning.

¹*ie* delivered.

¹B: hengar, *ie* a type of dagger worn on a sword-belt; ²B: wepne.

¹B: meyte.

¹ēvy scoler shalbe ²obedient to the said
scolemaister for the tyme ¹beinge in all ²[his]
¹commaundements and demandds leffull And
shalbe redy to giffe his helpe and assistance
to the ¹correccon of ²eny scoler of the saide free
scole when and as often as the saide scolemaister for the
tyme beinge shall ¹commaund theym: Also it is ordeyned
that ¹ēvy scoler after he be ²xiii monethes in grām shall
use to speke to ¹an other at all tymes and in ²ēvy
¹place ²laten and ³no Englisshe And that no
scoler shall use ¹dysynge or cardinge ²ne eny
other unlauffull games opon ¹payn of ²correccon at
the discrecon of the
saied scolemaister .¹ Also it is ordeigned that

¹C: any; but more probable reading: every; ²B: obedyente.

¹B: beynge; [²A: illegible: reading from B].

¹C: comdments.

¹C: correction; ²C: every.

¹C: comānd.

¹C: every; ²B: twellffe.

¹C: another; ²C: every.

¹omitted in C: included in D; ²ie Latin; ³B: non.

¹B: disynge/C: diceing; ²ie nor.

¹B: payne; ²C: correction.

¹C: And.

if eny scoler do disobeye the saide scolemaistr in
his [¹reasonable] ²comaunderment or ³correccon or make
any ¹ffray [²on him] that then the saide
scoler to be amoved from the said scole for [¹ever]
excepte the saide scolemaistr be ¹content^t to kepe
him still.

[XIII]

.. Also it is ¹ordenet ²and ³agreide

bitwene the saides p^ties that within [¹one]
hallffe yere next ¹after the ²nomuton and
[¹puttyng in] of ²evy scolemaistre ³herafte to be
appoynted in to the saides scole the saide
¹Richarde Bolde ²and other his cofeoffes and
all other feoffes ¹herafte to be ²named and made from
tyme to tyme [¹shall] make as well of the
said ¹rent of thre pounde ²fourtene

[¹B:illegible]; ²B:comaundemente/C:comandmt; ³C:correction.
¹B:fray; [²interlined in A; in correct place in B].
[¹illegible in A; reading from C].
¹B & C:contented.

¹ordeynet/C:ordeyn'd; ²D:gives and which is altered to &;
³B:agreid.
¹[omitted in C].
¹B:afre; ²B:nominacon/C:nomination.
[¹B:illegible]; ²C:every; ³B:herafre.

¹B:Richard; ²D:changes and to &.
¹B:hereafre; ²B:namyde.
[¹A:illegible - reading from B].
¹B:rente; ²B:iii li xiiiiⁱⁱ iiiii.

shilling and foure pence¹ to be ²resved out of the
 saides ¹landes and tenements in Tildesley aforsaide
 as of all and evy [¹other the meases ²lands and ³tents
 above named with their ¹ap⁺tenncs sufficient and
 lauffull]
¹leases to the ²scolemaister callynge ³him in the
 saide lesse the scolemaister of werington of Botelers
 scole for term of [¹thre score] yerres: WITH
 this ¹puy⁺sion to be had in the same lesse That
 if he be expelled or ¹dpved ²dye or leave the
 same ¹Rowme of scolemaister within the saide yerres
 that then the same lesse to be voide '. Also it is
 agreid and ¹ordeyned that after such lesse
 made of the saides landes and tenements to the saied

¹See notes on School Receipts; ²C:reserved. Probably
 correct reading is "received".

¹B:lands.

[¹omitted in C]; ²B:lands; ³B:tenements.

¹ie appurtenances.

¹B:lease; ²C:master & inserts sd; ³B:hym.

¹[A:illegible/reading from B].

¹C:provision.

¹C:deprived; ²B:die.

¹C:Rown.

¹B:ordenet.

scolemaister for the tyme ¹being that then the same
scolemaister and all [¹such ²(psts) which shalbe
¹(scolemaisters) there] shall have full power and
autorite to ¹dimitte and to ²ferme lette by ³theire

dede indented all and ¹evy the saids ²messe lands
and ¹tents and any ²pcell of theym at theire
pleasure for terme of ten yeres onely so that such lesses
and ¹dimissions be so made by thagrement [²and] assents
of the said ¹Executors and ²ouflyvrs of them. And
the same lesses ¹as made and ²sealed withe the

¹B:beinge.

[¹B:illegible]; (²A:interlinear).

(¹A:interlinear).

¹C:dymyne; ²C:farm: OED: firm "ferme occasionally used
instead of farm in med.docs."

firm/ferme: "to make an agreement firm, to make a
possession sure".

farm: "a fixed yearly amount payable as rent, tax,
etc., as opposed to a variable amount".

³D: your.

¹te every; ²B:mease.

¹B:tenements; ²C:parcell.

¹B:dymysions/C:dymysions; [²from C].

¹slight abb. in B at end of line; ²te overlivers.

¹B & C:so; ²B:sealed.

seal ¹ordened for the said scolemaistr shalbe ²goode
 and effectuell for the same terme: Also it is
 ordeyned and ¹agreid betwixt the saide ^fties that the
 said scolemaist^r shall have a seall made and
 known for the scolemaist^r Seall of werington withe
 the whiche seall he shall do and seall all
¹writinge that to hym shall ²ap^fteygne in eny
¹thinge concūnge the saide scole or eny thyng
 [¹therto] ²belonginge. And the same [³seall to be] suerly
 kepte and delyvered from one scolemaistr to an other
 as they shall succede in their ¹Rowmes ∴ Also it is
 agreide and ordeyned bitwixt the saides

^fties that all dedes scripts indentures evydences and
¹monymnts concernynge the saids lands tenements rents

¹C:ordeyn'd; ²B:goode.

¹B:agreide.

¹Bwritynge/C:writings; ²B:apteyne/C:appertain.

¹B:thyng concernynge.

[¹A:illegible: from C]; ²B:belongynge; [³B:illegible].

¹C:Rooms (slight alteration).

¹B:munymntes/A:illegible - reading taken from C.

(A:This line and some following are on a fold which
 causes frequent illegibilities).

prvces or eny of theym shalbe ¹layd putt and

[¹delyvered] by the saide scolemaister [²by]

indenture¹ triptited in to [2the sayd college of

Mancheſtr] there to be ſuerly kepte and copies thereof to be

made and delyvered to the saide scolemaist^e and to

remanye withe hym and with ¹evy other

scolemaist^r [¹there] And if any of the saides

landes or tenements¹heraft happen to be in variance

or ¹suete in the ²law [³then the warden of the sayd

college or]

his ¹successors for the defence thereof [2shall] deliver

to the said scolemaist^e all ¹such dedes as ²concythe the

same landes then beinge in variaunce onely if nede

so shall require'. And ¹after the ²detyrnacon or

1appeisinge of the same variaunce Then the said

¹A:illegible; B:layde: Reading from C.

[¹A:illegible - based on C); [²from B].

1C:tripartited; [2B:illegible].

1ie every.

[¹A & B interlinear].

¹B:heraftre.

$$^1\text{B:sute/C:suit; } ^2\text{lawe; } ^3\text{B:illegible}].$$

1B:successrs; [2A:illegible: from B].

¹B:suche;
²B:concernethe/C:concerneth.

1B:after;
2B:determy^unacon/C:determination.

1C:appeasing.

scolemaister within one monethe next ¹aft shall
¹redelyvr all the same ²evydences in to the saide [³college
ageyne] ∴

[XIV]

Also it is ordeyned ¹and ²agreide

betwixt the saides ⁺pties that one annivrsary shalbe kepte
within the saide churche of werington at the costes
of [¹evy of] the saide scolemaistes for the tyme [²beyige]
the seven ¹and twenty day of Aprill ²evy

yere for the sowles of the saide ⁺Thomas

and his anncestors and his heires and for the

¹soule of Dame Margaret Boteler ²afte hir ³deceasse

in ¹man ²and form ³herafter ensuyng that

is to ¹witte that the ⁺son or the ²curate of the said

⁺rsche churche with seven other ⁺stes ¹whiche shalbe eghte

in ¹nomber and [²ten] synginge ³clerks or scolars in the

¹B:after.

¹B:illegible/C:redeliver; ²B:evydence/C:evidence;
[³B:illegible].

¹D:alters and to &; B:agreid.

[¹A interlineation]; [²B - illegible].

¹D:alters and to &; ²te every.

¹B:sowle; ²B:after; ³B:decesse.

¹B:maner/C:manner; ²D:alters and to &; ³B:heraftre.

¹B:wete; ²A:indistinct: reading from B.

¹D:alters which to wch as in C.

¹B:nombre; [²B:illegible]; ³B:clerkes.

evenynge before the saide XXVIIth day shall
to geders synge \int ¹placebo and ²dirige:

And in the mornynge of the said XXVIIth day the
saide eght ¹psts and X clerks shall
say the ¹commendacons And ²aftre that at their
pleasure thre of the saids psts to say ¹mass of the
[¹Trentall] of Saynt Gregory with the collecte deus

¹[simul] spes ²nsē [³And y^e other iiii preists to say masses
of the anniversarie] And the pson curate or an other pste to
[¹kepe masse] of requiem ²solempnely with note and

¹placebo: (Lat. "I will please"). A traditional title for the
Vespers of the Dead derived from the antiphon with which the
office opens. ²Dirige: A traditional name for the office for
the Dead; it dates from the Middle Ages - from Cross, F.L. (Ed.)
The Oxford Dictionary of the Christian Church.

¹B:pstes/C:priests.

¹B:comendacons; ²B:aftre.

¹B:masse.

[¹A & B: illegible - from C]; *Trentall*: A set of 30 requiem
masses said on the same day or different days, or a set or
series of 30 (OED).

[¹A indistinct: from C]; ²C:nostra; [³ interlining].

¹B:illegible]; *keep*: to observe with due formality (any reli-
gious rite, ceremony, service) to celebrate (OED); ²B:solempnely

the other seven ¹psts and ten clerks to ²helpe to ³singe[⁴at]

¹B:pstes; C:changes keep to help (inserted), but this might be in another hand/D:has help; ³B:synge; [⁴C:in].

the same masse: And the pste that kepithe the saide masse of requiem to have vii^d: And evy # of the other seven pstes to

At this point on B is a diamond-shaped defect on the ms., approximately 5.1/2" long x 1.3/4" deep. This accounts for the many faults which follow in the ms.

have [¹viii^d for their busines And] evy of the said [²ten] clerks to have [¹ii^d] And furthermore it is ordeyned that the Bellman of werington with the Bell in the saide xxvi day of Aprill at ¹aft none shall go through the towne of werington and accordinge to the custome thereof desire [¹of] evy man [¹woman and childe to pray for the soule of the saide ~~§~~ Thomas and] Dame Margaret after her decesse and his heires And that done then the [¹clerke] of the church of werington to cause thre longe peiles to be [¹rongen with all the] belles in the steple excepte the Sannctus Bell and so

[B¹illegible]; [B²B:illegible]
[A:illegible/from B].

¹B:aftre.
[¹in C only].
[¹B:illegible].

[¹A:illegible/from B].
[¹B:illegible].

on the saide [¹xxvii as accordithe for an anni^vsarve And
the same clerke to have for the singinge (¹XX^d)] And the
Bellman to have ii^d ∴ Also it is furthermore ordeyned that
[¹e^vy of] the [²saied] scolemaist^r with ³theadvyse of the
chauntre ¹pste there shall [²yeve deile in almes the said
xxviith day to fourty] poore ¹folkes xiii^r [²iii^d that is to
witte e^vy of theym iiiⁱ^d. Also ordeyned that there shalbe
¹brennyngge] upon the ²herse to be made opon and on the
grave of the saide ^f Thomas VIII ¹serges during the
¹singinge of the dirige and masse aforesaide. And
furthermore [¹eny of the] ²saides scolemaisters and the other
[¹chantry] ²pste before the feste of [³pasche yerely
next ensuyng shall] or cause to be said yerely as many

[¹B:illegible].
(¹A:indistinct: from C).
[¹A & B:interlined]; [²B:illegible]; ³B:thadvise.
¹B:prest [²B:damaged]; ³C:give and deal.
¹B:folks; [²B:damaged].
¹te burning/C:leaves space; ²herse: "a permanent framework
of iron or other metal, fixed over a tomb to support rich
coverings or palls, often adapted to carry lighted tapers."
OED quotes 1552: "a herse of irone".
¹te large candles <cerge/cera (Lat. wax - went out of use c.1600
O.E.D.)
¹B:synginge.
[¹A:interlined]; ²B:illegible.
[¹A:indistinct - from C/B:chauntre]; ²B:prest; [³B- damaged].

other masses to ¹fullfill the saide Trentall That is to
witte [¹xxvii masses] wt² placebo and dirige to make
and fullfill a ¹holle Trentall [²wt in the octaves
of eny of ye festes before not said]

[¹And after the] saide aniv̄sarie and # made
[¹eny of] the saides ²scolemaist^s eny quarter of the yere
to say fyve masses of the fyve ¹woundes of ⁸Lorde
for the soule of the saide ¹Thomas and dame [¹Margaret]
after her ¹deces with the suche ²collectes as they
shall ¹thinke [²convenient] ∴

[XV]

Also it is ¹ ordeyned and agreid bitwixt the saides ¹p^ties
that the saide scolemaister for the tyme ¹beinge ones in ev̄y
yere [¹at the day of the said anniv̄sty] shall make a ²trew
acompte of all such issues and ¹p^tffettes comynge and

¹C:fulfil.

[¹B: damaged]; ²C:with/ B:withe.

¹B:holle; ²[This passage is an interlineation in A & B.

In C & D there is a blank space labelled "blank left for the
interlineation"].

¹[B:illegible]; # = blank on C.

[¹A & B interlineation]; ²the plural form was added after
the interlineation.

¹B:wondes.

[¹A:illegible; reading from B/C:gives Margret].

¹B:decesse; ²B:collects.

¹B:thynke; [²B:illegible].

¹D gives ordeynd.

¹B:beynge.

¹[A & B:interlineation]; ²B:true.

¹C:profits/ B:pffetts.

¹groinge of the saides landes tenements and rents
as he shall then have receyved that yere before
[¹seid Dame Margaret or her executors the longes
liffers of theym and after the deceasse of ¹eny of
the said executors before the]
the parson or curate of werington and before the
other chauntre pste ¹synginge in Botelers chappell
aforesaide: And if the scolemaister upon the
saide ¹acompte made shalbe founde to have
receyved more ¹money then the ²some of ten ³pounds for
his ¹stipende for that yere and the costes of
¹thannivserie as is before ²exp^rsed and named: That then all
the ¹ov[^]plus thereof and the same more money ²ov[^]the
said ten ¹poundes and the ²costs of the saide

¹B:groynge.

[¹in A & B: interlineation in C & D labelled
"a long interlineation"].

¹probably every.

¹B:syngyng.

¹C:account.

¹C & D insert than; ²C:sum/D:sume; ³B:poundes.

¹B:stipend.

¹B:thannvsarye; ²B:exp^rssed/C:exp^ressed.

¹ie overplus, cf surplus; ²ie over.

¹B:pounds; ²B:costes.

annivers^{ary} [¹and besides iii⁴ ii⁴ to be taken yerely

¹[Long insertion in A & B, badly faded: not in C & D and not indicated in any way.]

thereof towards fyndyng of bredde and voyne]

And the same money to be kepte to beire the costes

and charges of the ¹renewinge of the saides

¹B:renewynge/ C:renuing.

¹feoffmentes and ²wrytynge of the dedes and

¹B:feoffaments; ²B:wrytynge.

[¹cedules] and indentures concernynge the same

[¹inserted in A & B].

scole: And for the defence of the title [¹of]

¹[A:illegible; from B].

the ¹pmisses and for the ornaments of the saide

¹te premises.

chapell if nede shall so require:

[XVI]

Also it is ordeigned and agreid bitwixt the saides pties

that if eny variaunce or ¹dowt growe or happen

¹B:dowte/ C:doubte.

to be or fall emongest or bitwixt the saide †

richard Bolde and other his cofeoffes or eny

other feoffes hereafter and the saide scolemaister or eny

other scolemaister therefor or ¹amendist the
 saides [¹statutes] actes or ordenennnces That then the
 same ¹doute and variaunce to be ordrd and reformed
 by the saides Dame Margaret ~~¶~~ ¹rannulph Pole Richard
 Sneyd and ~~¶~~ William pluntre or by eny of ¹them
¹being on live And after theire ²deceses then to be
 ordred and reformed by the ²patron of the saide
 scolemaister and thofficiall of ¹Chester for the tyme
¹beinge ²according to the true meanyng of these saides
¹ordenaunces and the saides ~~¶~~ties to abyde
 by the same ordre. And if any of the saides feoffes
 at any tyme ¹herafter wolde varie or
 breike eny of these ¹ordennn^{es} That then all astates
¹lesse or other [²grauntes] or actes done or made by

¹B:amendest.

[¹A:illegible; from B].

¹B:dowte.

¹B:Rondulph.

¹B:theym.

¹B:beinge; ²decesses.

¹B:patrone.

¹B:Chestre.

¹B:beynge; ²B:accordinge.

¹A:illegible/B:ordenⁿnces/from C.

¹B:herafter.

¹C:ordinances.

¹B:lesses [²from C; A & B illegible].

the other feoffes accordinge to the true meanyng

above ¹reheirsed to be goode and effectuell as if [²they]

had been made by all the saides feoffes: ²And all thinges

done by the other feoffes or feoffes ¹vareinge

from the ¹ov¹ cofeoffes contrary to the true meanyng of

the saides orden¹nues to be voide and of non effecte ..

IN WITNESS WHEREOFF the pties

above named to ¹ev¹ pte of these

indentures quadri¹ptited have sett

¹their sealles ²yeven the day and yere

above ¹prefixed.

¹B:rehearsed; [²A:illegible; from B)].

²D:deletes and, insert &

¹B:vareying.

¹*te* other.

¹C:every.

¹D:your; ²*te* given.

¹B:p̄fixed.

A p p e n d i x I I I

List of Twenty-Six School Receipts

1589-1619

APPENDIX III

List of Twenty-Six School Receipts, 1589-1619

21 January 1589
25 January 1602
1 January 1605
1 July 1605
6 July 1609
25 November 1609
6 July 1610
24 November 1610
8 July 1611
28 November 1611
8 July 1612
13 November 1612
8 July 1613
29 November 1613
8 July 1614
20 November 1614
8 July 1615
15 November 1615
8 July 1616
1 November 1616
6 July 1617
3 November 1617
3 July 1618
3 November 1618
7 July 1619
3 November 1619

A p p e n d i x I V

Documents Concerning Edward Owen

An Extract with Gloss
From a Notebook of The Rev. Edward Owen

(CRO SL 382/18/4)

¹However this case² has been perplext

there is no need either of an ³Act of parliament or
a new Decree in a Court of Equity.

¹"Answer" is here inserted later.

²Which "case"? The meaning of "however" is "however much".

³Underlinings in original. Whatever line of action is being
proposed by Owen is, by some Feoffees, regarded as requiring
permission from a high legal court. This suggests the selling of
some part of the foundation or, at any rate, a leasing of a
hitherto unusual nature. This "case" is, presumably, the reason
for the compiling of this notebook.

The foundation of the School is very clear. It is
for one master. [⁴If he wishes to extend his
sphere of utility, the choice of Ushers
belongs to him & to him should belong.]

⁴[] = The passage within the brackets has been deleted. Owen
is following the 1526 Foundation Deed. As there is no mention in
the original deed of an usher (or any further staff) he deletes any
reference to ushers and their selection and adheres to the concept
of only "one master".

Over this cancelled passage he inserts:

" ... & to him it is a freehold for life ... " with a later insertion: "or at least for 60 years" and continuing the original insertion: " ... by ... leasing it himself or employing a substitute when he is incapacitated by any infirmity."

The cognizance of the master's conduct belongs not to the Feoffees, but to the patron⁵.

⁵The wording here suggests some degree of animosity between Owen and the feoffees which was also suggested in the marginal reference notes in the commentary on the first part of the ms. Owen is clearly on better terms with the patron, from whom he has received two promotions, than he is with the feoffees. "Cognizance" here suggests "the right to hear and determine a cause or matter" and Owen restricts this to the Patron. Does this imply that the Feoffees were calling Owen to account for his conduct at the meeting on 3 Aug 1790?

TEXT

The Feoffees have a power only to receive the rents & repair ⁶the School, & are required to pay the residue to the master as his salary⁷.

The Estates are to be let or leased now at their full⁸ value⁹;
the Lessees having long since either forfeited or sold or given up their claims to Leases upon old

GLOSS

- ⁶Here Owen writes the abbreviation ye which he uses along with "the". Throughout this text "the" is used.
- ⁷Owen is here being dogmatic on a doubtful point, since the residue was originally to go to a chest and used for specific purposes. But as the repair of the building had for a long time been neglected by the Feoffees to such an extent that the school was, for a second time, in a ruinous condition, Owen might be excused for taking this view, since he had so obviously been responsible for its restoration. The question of the master's right to the residue was to play an important part in the second and third decades of the 19th century.
- ⁸The underlinings are Owen's.
- ⁹The rate at which the lettings and leases were set appears to be of great concern to Owen, who felt, as has been seen, that they were not set at the most profitable terms.

first terms¹⁰, & the Feoffees having been in

full possession of the estates near a hundred years
under this plenary tenure; [¹¹but] in trust for the
benefit of the Master & the ¹²School.

No act of parliament or Decree in any Court of
Equity can alter this foundation without injuring
the patron or Master's rights; and ¹³[there to]
without endangering the future interests of the
¹⁴[School].

¹⁰Owen has given specific examples of these in his previous
analysis.

¹¹[] = insertion.

¹²He repeats his main points concerning the function of the
feoffees and their basic responsibility for the revenues.

¹³ms. becomes illegible because of alterations.

¹⁴[] = deleted. After this deletion, Owen inserts:

"Charity itself". At this point the ms. becomes confused and
illegible because of deletions and interlineations. The following
can be discerned as part of an insertion:

" ... also ... the patron will be a minor for 5 or 6 years & can do
no act."

TEXT

GLOSS

The Feoffees are not allowed to appoint and pay an Usher, very justly the choice of Usher belongs to the Master.

¹⁵[The Feoffees are not expressly allowed to appoint an agent at any expense to the School (for they are supposed to do this business individually by turns)¹⁶. Yet the appointment of an agent may be usefully adopted, especially upon emergencies, as a Common advantage to all parties¹⁷. And it is better this point remains unsettled. For were the Feoffees empowered to fix a Salary at their own discretion, it is very possible, this may be made a jobb of in some period or other¹⁸.]

¹⁵[] = The passage within the brackets was subsequently deleted with the following marginal entry: "This was a wrong [*illegible*] contrary to the foundation".

¹⁶This was an arrangement in the Order of 1610.

¹⁷This arrangement was later ordered by the Court of Chancery.

¹⁸The last sentence of this paragraph illustrates Owen's lack of confidence in the integrity of the feoffees.

TEXT

The Feoffees are not expressly allowed to lease for Lives or very long fixt terms¹⁹: and it is well they are not;

for it is hard to say what mischiefs Feoffees might do ²⁰[hereafter] to the School when vested with such plentitude of power.

But when such an emergence²¹ as the present arises, when a purchase offers that is incontestibly advantageous to the School²², a purchase without w^{ch} no future master can subsist with comfort, they may for once very safely assume that power: for should any future master dispute it, they need but exercise such authority over him, as they now do

GLOSS

¹⁹As has already been noted, Owen was concerned that the terms of leases and lettings were in the favour of lessors and lessees and not in the interests of the School.

²⁰[] = insertion. Owen's language becomes stronger here, eg: "mischiefs".

²¹"emergence": that which appears, arises.

²²This paragraph is at the nub of the situation in which Owen found himself. He gives many clues but insufficient information to arrive at a reliable reconstruction. The most probable interpretation is that an offer to purchase some of the charity's land (probably at Arrow) had been made which Owen favoured but the Feoffees did not.

over the present²³ without the least provocation; & what is still more, the power of withholding the ²⁴annexed lands from the Master hereafter will ever be a tie upon him.

But if they wish not to venture upon this measure²⁵, let them at least do what they are empowered to do, and what honour and conscience obliges them to do; let them ²⁶lease the lands in Worrall [*i.e* Wirral; *viz*: the Arrow Estate] for 12 or 14 years, the tenant being ready to give 220£ a year for such a term instead of the 180£ w^{ch} he now gives.

²³*i.e* Owen.

²⁴"annexed" suggests the possibility of the feoffees refusing to hand over rents and revenues from certain lands.

²⁵Why "venture", which suggests an element of risk? Again, what is the "measure"?

²⁶This suggestion gives the clearest clue so far: the choice would seem to be between the sale of lands (for which some feoffees might think an act of Parliament was required) and a short lease.

Two Extracts from the Will of
The Rev. Edward Owen

(Notes at end of Appendix)

EXTRACTS FROM THE WILL OF THE REV. EDWARD OWEN
DATED 8 FEB 1806, PROVED 27 JUNE 1807.
OWEN DIED 4 APRIL 1807.

EXTRACT 1

" ... One hundred Pounds unto my Successor as Schoolmaster of Warrington upon Trust that therewith he shall build a Stable for the use of the School in lieu of an old Stable which several years ago lay contiguous to the main Entrance of the School and was a great Nuisance in that State and which I converted into a comfortable parlour that was much wanted, and I recommend for the new Stable a convenient place on the East Side of the School which I made by filling up an old unfrequented road¹ and making a brick arched Drain thro' the whole length of it to carry off the water from the House and School".

EXTRACT 2

" ... I direct my Executors as far as they lawfully may or can to resist any claim which the Trustees of Warrington School may set up for a Bond of Two Hundred Pounds and the Coal mine rent of Five Hundred Pounds which I have received, for, besides that I conceive myself intitled under the Foundation Deed to all the rents, issues and profits of the School Lands, I have expended nearly three times that amount in making the School House and premises commodious for boarders and in improving the School Estates as will appear by Papers² which I leave behind me ... ".

NOTES ON EXTRACTS

FROM EDWARD OWEN'S WILL

- 1 See Map IV - Extract from map of Warrington, 1772. The "unfrequented road" which Owen filled up can be seen east of the school building.
- 2 *ie* the three notebookes.

A p p e n d i x V

Notes on the Right of Nomination of the Schoolmaster of the Free School of Warrington

Followed by references.

NOTES ON THE RIGHT OF NOMINATION OF THE SCHOOLMASTER
OF THE FREE SCHOOL OF WARRINGTON.

The information contained in these notes has been taken from the following sources:

The Foundation Deed (1526)

Report of the Charity Commissioners 1828

Marsh, J.F., *op cit*

Victoria County History - Lancs iii

Northern Archaeological Report, *op cit*

Beamont, W. 'Annals of the Lords of Warrington and Bewsey.'

According to the Foundation Deed of 1526, Sir Thomas Boteler's executors, Dame Margaret Boteler (his wife), Ranulph Pole (Clerk), Richard Sneyd, and William Plumtre (Clerk and Sir Thomas's Chaplain) were "to name and appoint another honest and discreet priest, sufficiently and groundedly learned in grammar and able to teach grammar to be schoolm^r for his life". This arrangement was to operate as long as any one of the four was alive, *ie* "the overliver of them". After the death of the last of them, the Founder's son and heir, Thomas Boteler (¶) and "his heirs of his body begotten And for default of heirs of his body, then his rightful heirs" whenever the vacancy were to appoint "another honest and discreet priest ...".

This arrangement at the time of its making probably seemed certain, based as it was upon a dynasty which had lasted for 400 years and whose future seemed assured. Provision was made for negligence on the part of the rightful heirs by involving the parson of Warrington and the Warden of the College of Manchester.

Edward Boteler, however, died (1586) childless and penniless and

the right to nomination was later claimed by his sister, Margaret Mainwaring, whose claim was upheld in the Duchy Court of Lancaster, with the provision that this right should pass to Thomas Ireland who, in 1597 had become owner of the manor of Warrington and Bewsey, and to his heirs.

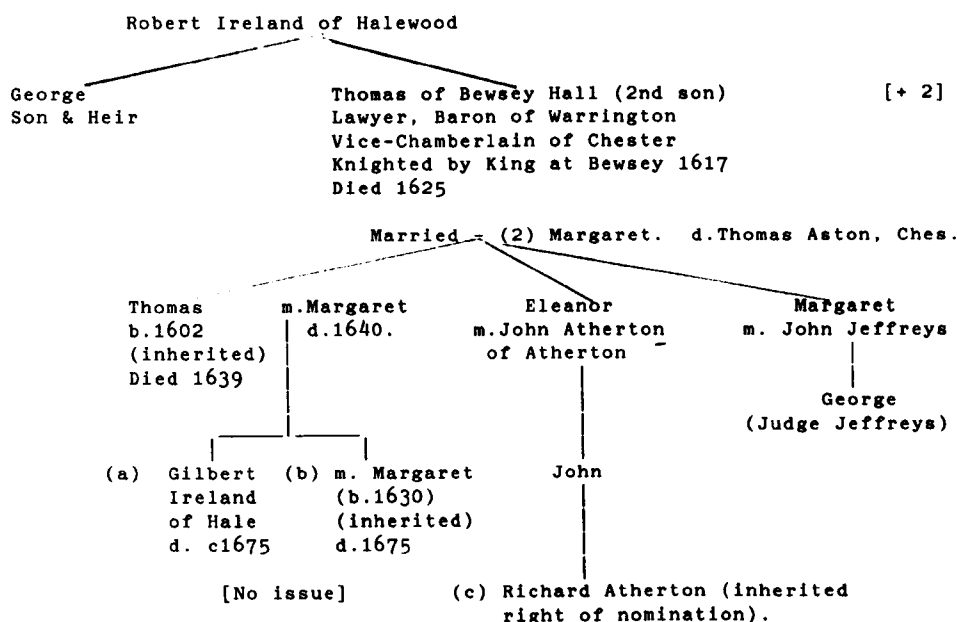
In 1628, Ireland's son, Thomas, sold the manors of Warrington, Arpley and various others, but retained the manor of Bewsey which had invariably exercised the patronage of the Parish Church of Warrington along with the right of nomination of the schoolmaster of the Free School of Warrington. (Bewsey had become residence of the Boteler family.) Consequently, these two rights of patronage have been closely associated and, from 1628, had followed the lordship of the manor of Bewsey. Obviously, the original requisites of the right of nomination of the schoolmaster (*ie* heirs of the Botelers, either by blood or by law) were no longer feasible, and it is from this point that complexities in the right of nomination begin.

The right of nomination remained with the Ireland family until, like the Botelers before them, the direct male line became extinct, ending with Dame Margaret Ireland, widow, who died without issue in 1675. The dynastic situation from then is illustrated in Note 1. In her will of 28 June 1675, Dame Margaret "devised the Advowson of Warrington Church and the Patronage of Warrington School to Rich^d Atherton, Esq (afterwards Sir Richard Atherton K^t) for life and to his 1st and other sons in Tail Male"². The descent of the patronage is illustrated by the family tree of the Athertons prepared by Gorst, in evidence for the case before the Court of Chancery. This shows the right of nomination passing from the Athertons by the marriage of Thomas, Lord Lilford, to Henrietta Maria, on whose behalf the right was claimed³. From the foregoing and from the diagrams some idea of the complex nature of the claim to nomination may be seen. The

provisions of the Foundation Deed and the Decree of 1607 were no longer feasible or were obscured by litigation and the passing of time. In their correspondence, Gorst and Lilford were well aware of the tenuous nature of anyone's claim to the right of nomination of the schoolmaster. In a further letter (DDLi 252/30, dated 21 Mar 1810) not included in the bundle, Gorst, at this early date, urged Lilford to come to a compromise so that the question of nomination could be avoided and might not be put to "hazard" by men "who at present may be ignorant of what it is". He commended a compromise which would result in "a more complete and perfect management of the school The Nominate here is not a prescriptive Right, but can be traced to its Origin in the Foundation Deed, and any irregularity in the Nomination contrary to the Deed [may b]e the subject of Correction". Obviously, "correction" was to be avoided.

NOTES AND REFERENCES.

- 1 The following table is based on Gorst's "Notes on the pedigree of the Irelands" (DDLi 252/51) which he prepared for the Cause in Chancery. It is constructed to show the inheritance of the Lordship of Bewsey:



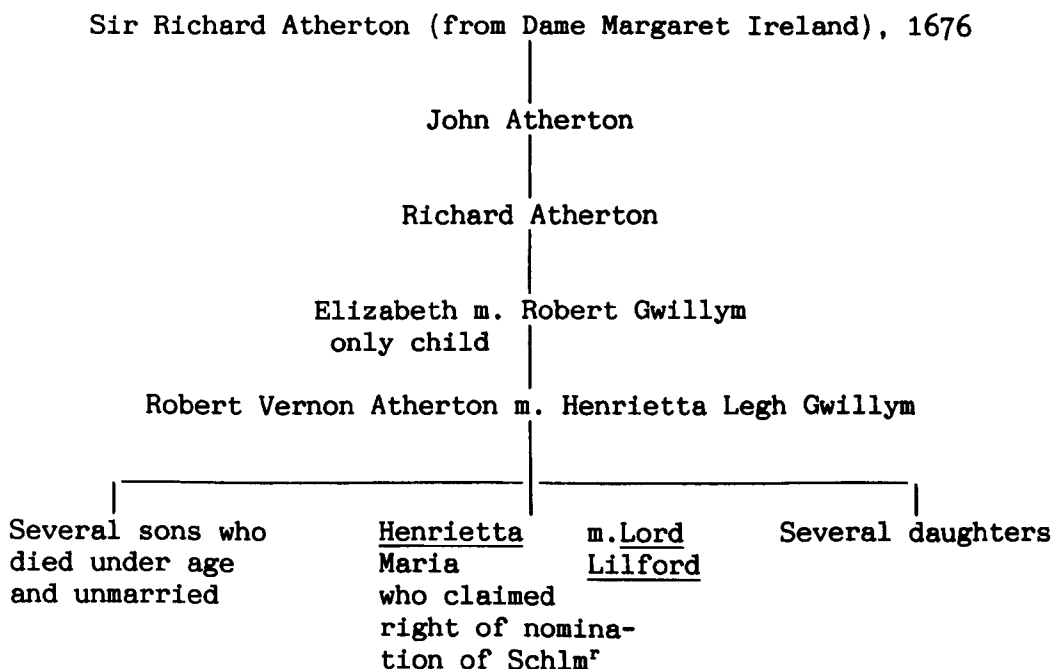
- (a) Margaret married her cousin, Gilbert Ireland, of the Hut and Hale. "This marriage united the two principal branches of the Irelands and thus prevented the loss of the estates of the Bewsey family by marriage. Gilbert was a wealthy man in his own right ... and he held extensive lands in both Lancashire and Cheshire". (Dickinson, J.R., *op cit.*)
- (b) Dame Margaret Ireland by whose will the estate passed to the Athertons of Atherton.
- (c) Richard (later Sir) Atherton who inherited on the death of Dame Margaret Ireland.

2 Gorst's Notes on Dame Margaret Ireland's Will (DDLi 252/53).

"June 1675 Dame Margaret Ireland - Owner of the Manor of Bewsey devised the Advowson of Warrington Church and the Patronage of Warrington School to Rich^d Atherton Esq (afterwards Sir Richard Atherton Kt) for life and to his 1st and other sons in Tail Male".

Tail: (Law) - the limitation or destination of a freehold estate or fee to a person and the heirs of his body, or some particular class of such heirs on the failure of whom it is to revert to the donor or his heir or assign,
hence *Tail male* = limitation of an estate to male heirs. (OED)

- 3 The following table is based on Gorst's notes (DDLi/252/53) showing the descent of the right of nomination of schoolmaster:



Gorst's marginal note:

"Who were the heirs at Law of Sir Thomas Boteler and how did Marg^t Ireland become entitled to the Manor of Bewsey & or to the Right of patronage to Warrington School".

Gorst uses the term "heirs at law" in place of the previous term "right/rightful heir".

A p p e n d i x V I

Documents Relating to the Bill in

The High Court of Chancery

- | | |
|-------------------------|---|
| Document A ₁ | Summary of Interrogations extracted from the Bill [in Gorst's handwriting].
LRO DDLi 252/2. |
| Document A ₂ | Answers to Interrogation (Doc. A1) based on ms. in Gorst's handwriting and with his numbering.
LRO DDLi 252/29. |
| Document B | List of Exhibits sent by J. Gorst to Messrs Forster & Co - from ms. DDLi 252/10 in Gorst's handwriting - 11 Nov 1813. |
| Document C | Draft Heads of Evidence.
Facts to be deposed before the Commissioners from DDLi 252/7. |

DOCUMENT A₁

INTERROGATIONS EXTRACTED FROM THE BILL
(Summary from Gorst's Notes, with his numbering)

LRO DDLi 252/2

- 1 Whether Lilford claimed right after death of E. Owen (and when) and in what manner did he appoint Robert Atherton Rawstorne.
- 2 Whether sd Robert Atherton Rawstorne has also been inducted into Rectory of Warrington and is still Rector of Warrington.
- 3 Whether Robert Atherton Rawstorne has performed any of the duties of schlm^r and in what manner and whether he employs William Bordman as his usher or deputy "or how otherwise".
- 4 Whether William Bordman does not now reside in the house in Bag Lane intended for schoolmaster or in some messuage being part of the sd. Charity Estates.
- 5 Whether Lilford, Rawstorne and Bordman have been in receipt of rents and profits of Charity estates or in some part of them.
- 6 What sums of money had they received?
- 7 What are the Charity Estates made up of?
- 8 What is the yearly value of the estates, exclusive of the house in Bag Lane?
- 9 Did Edward Owen neglect the duties of schoolmaster and whether in consequence or from some other cause the number of scholars to diminish and how many Scholars were there at his death?
- 10 Whether and to what extent have the duties of the office of schoolmaster been neglected, especially the teaching of Grammar without reward, stipend, schoolhire?
- 11 Whether W. Bordman has unjustly extracted divers and what sums of money not warranted or allowed by the Foundation Deed as due to

him?

- 12 And whether W. Bordman has declared that he will teach Latin Grammar and not English and expects to receive 2 guineas a year from boys coming to school to learn Grammar and whether he had made a statement to that effect?
- 13 In consequence of which how many more than one scholar now attends the school and how many scholars since the death of Edward Owen attended or attended recently?
- 14 Whether the population of Warrington and adjoining parishes have greatly increased since the founding and now consists of many thousands more than at the foundation?
- 15 Whether the Estate funds are used for any purpose other than those specified and whether the funds are not now much more than sufficient for the original purposes?
- 16 Whether T. Blackburne is not now the present Warden of the College of Manchester and whether he claimed the right of nominating and appointing the schoolmaster?
- 17 Whether Lord Lilford and his wife and R.A. Rawstorne insist on their right to nominate the Schoolmaster?
- 18 Whether R.A. Rawstorne and W. Bordman insist and why that R.A. Rawstorne by himself or by deputy to act as schoolmaster?
- 19 Whether T. Grey - Earl of Stamford and Warrington and his deputies decline to interfere in managing or letting the Charity Estates or receive rents and profits?
- 20 Whether Josiah Clare claims to have any right, title or interest in two buildings built on the site of buildings formerly the residence of the schoolmaster and formerly the garden or croft intended for the schoolmaster?

DOCUMENT A₂

ANSWERS TO INTERROGATIONS (Doc.A₁) BASED ON MS. DDLi 25/2/29
IN GORST'S HANDWRITING AND WITH HIS NUMBERING

- 1 [From Lilford re appointment of Rawstorne].
Comments on absence of documents. How far is Lilford bound to answer especially to "a few discontented Inhabitants of Warrington". If the school is well run and the trustees are satisfied, there seems no grounds of complaint. Refers to 1607, by which Decree Thomas Ireland "being the owner of the Manor of Warrington should have the nomination". It would now be a vain attempt to discover the Heirs of the Body or the Right Heirs of Thomas Boteler ... or the *Heirs of Thomas Ireland ... The Athertons were related to the Botelers and to the Irelands and may or may not be the Heirs of both or either of them. "If the right became alienable subsequently, then Margaret Ireland had power to devise it by her will - entailed it to the Athertons by whom it has been exercised".
* Gorst here interpolated "perhaps".
- 2 Rawstorne was inducted 4 Jun 1807 - still Rector.
- 3 Rawstorne was responsible for general management of the school. He appointed Bordman as Usher.
- 4 [From Rawstorne and Bordman] - Yes.
- 5 Rawstorne had been in receipt of moneys since the death of Edward Owen.
- 6 [From Rawstorne] - a clear annual amount of £315-4-0.
- 7) [Provides details of the estates]
8)
- 9 Lilford and Rawstorne believe that Owen died at the age of 79 but had failing health. They do not know the numbers of scholars at his death.

- 10 Bordman claimed that the duties of schoolmaster had not been neglected. There were at that time 2 scholars and 17 boarders.
- 11 Bordman had demanded only fire-money.
- 12 Bordman may have expressed the intention of teaching Latin only but claimed that this was "consonant" with Foundation Ordinance.
- 13 Answered in No.10.
- 14 Rawstorne and Bordman believed that the population of Warrington had greatly increased since the foundation.
- 15 Rawstorne referred to Foundation Deed for justification of use of moneys.
- 16 T. Blackburne did not know of or believe to have claims on nomination [Warden of Manchester College].
- 17 Lilford and Lady Lilford insisted that Lady Lilford alone had rights to nomination.
- 18 Rawstorne claimed right to office of schoolmaster and to appoint Usher or Assistant.
- 19 Rawstorne and Lilford did not think that the Trustees declined to interfere or act in execution of the trusts given them.
- 20 [No answer - since it applied to Josiah Clare.]

DOCUMENT B

LIST OF EXHIBITS SENT BY J. GORST TO MESSRS. FORSTER & CO
(from ms. DDLi 252/10 in Gorst's handwriting, 11 Nov 1813).

- 2 Oct 1718 Copy nomination of John Tatlock to be Schoolmst^r of
Warrington School by Rich^d Atherton & his Guardians W^m
Rawstorne & Thos Banks - vacant by dth Sam^l Shaw.
- 22 March 1719 Copy nomination of Thos. Hayward by Mr Rich^d Atherton
& his Guardians on the resignation of John Tatlock.
- Nov 4 1757 Copy nomination of Edw Owen by Rob^t Gwillym to the sd
School by Resignation of James Ansdel.
- 21 April 1807 Copy nomination of Rob^t Atherton Rawstorne by Lord
Lilford to the Schl vaca^{td} by Death of Edw. Owen.
- Copy Admissⁿ of sd Thos Hayward dated 13 July 1720 - of
the Licence of Edw Owen 5 Nov 1757 and of Robert
Atherton Rawstorne 3 June 1807.
- Note: The above Copys as Exhibits deposited unto by Tho^s
Blands Clerk Mr. Ward Dep. Registrar Chester.
- Xmas to Mid- Mr. Bordman's Bill agt Mr. Peter Newton for schooling
summer 1809 deposited by sd P. Newton.
- 3 June 1807 The Original Licence under the Bp. seal of Mr. R.A.
Rawstorne.

DOCUMENT C

DRAFT HEADS OF EVIDENCE

FACTS TO BE DEPOSED UNTO BEFORE THE COMMISSIONERS

from DDLi 252/7 - by J. Gorst.

- 1 To prove present school fit and well adapted to its purpose and more convenient than before the Alterations were made by Mr. Owen.
- 2 That Robert Atherton Rawstorne has lately put the Schoolroom and House into a complete state of repair.
- 3 The Appointments by Lord and Lady Lilford and by Lord Wilton and Mr. Gwillym as Trustees to be produced & proved by the subscribing witness. Who has them?
- 4 To prove by general Reputation that the Ancestors of Lady Lilford had exercised the Right of Nomination.
- 5 To prove the Exercise of the Right of Nomination by Rich^d Atherton and produce and prove the instrument of App^t from Rich^d Atherton to Thomas ~~Hayward~~ in 1723 and the length of time he held the School.
- 6 To prove the Exercise of the Right of Nomination by Elizabeth Gwillym and Robert Gwillym (Husband) in her Right and produce and prove their appoint^{ment} of Edw^d Owen in 1757 and the Time he held the School.
- 7 To prove copies from the Registry of the Diocese of the appt^{ment} registered there in the [case] of the several schoolm^{rs}.

A p p e n d i x V I I

Copy of Dr. R. Valpy's
Testimonial for Rev. W. Bordman

APPENDIX VII

From DDLi 252/48 - in Gorst's Handwriting

(Copy) Testimonial Dr. R. Valpy D.D.
Master Reading School for W. Bordman

I certify that the Rev^d W. Bordman MA has been an Assistant in Reading School during the last nine years, and that he has conducted himself with great credit to himself and advantage to the School. The happy medium which he has adopted between excessive severity & too much indulgence make me regret that I am to be deprived of his future assistance.

Nov 27 1807

(Signed)

Appendix VIII

APPENDIX VIII

STATISTICS BASED ON "LIST OF SCHOLARS" (1822-1828)

The following tables are based on data recorded in the "List of Scholars" (CRO SL 382/4/1) and cover the period 1822-1828, the period of the second part of the tenure of the office of schoolmaster by the Rev. William Bordman. Because of the method of recording the data for this period, it is possible to construct tables to illustrate three variables, viz:

- (a) approximate age on admission;
- (b) approximate age on leaving;
- (c) approximate length of course (*ie* attendance).

Two provisos must, however, be observed in the use of these tables. First, the data was not always recorded systematically with the result that the same measures were not always recorded, *eg* a boy's age on entry or the date of his leaving might be omitted. Second, because of the small numbers in the samples, the usual measure of distribution, the average, would not have been valid. It was, however, legitimate to look at the most frequent measure in a set of variables, *ie* the mode, to suggest the tendency for conditions in the Free School of Warrington.

Probably the best purpose of these tables is to present concisely a view of the experience of schooling of definable groups, *eg* by age, by admission, which is not easily gained from, say, the raw scores of entrants and leavers provided in the text.

Table II records the ages of Free Scholars on admission for the period Jan 1822-Jan 1828. The most frequent age on admission was 9 years (21.6%), with age 10 years (18.5%) and age 8 years (17.5%) in succession.

Table III records age on leaving in conjunction with age on admission. The most frequent leaving age was 12 years.

The samples for Tables IV and V are based on 90 cases, these being the only ones for which the necessary data was available.

Table IV shows the ages at which members of the sample, broken down into age groups, left the School and thus provides a visual delineation of that group's progress through the School. If the sample is considered as a whole, the mode of the measures is 13 years, closely followed by 12.

Table V records the approximate length in years of a course at the School for the same sample as in Table IV, again expressed in age groups. The first column which records the numbers of Scholars who did not stay for a year is the largest group of the analysis. From the other records, the mode is for 2 years as the length of course most commonly pursued.

TABLE II
AGES OF FREE SCHOLARS ON ADMISSION

DATE OF ADMISSION	AGE IN YEARS ON ADMISSION									
	7	8	9	10	11	12	13	14	NA	
Jan 1822	2	5	4	5	1	2	1	2	(1)	22
29 Apr 1822				1						1
22 Jul 1822	4	1	3	1					(2)	9
28 Oct 1822	1		2	1	1			1		6
20 Jan 1823				4	2			3		9
25 Apr 1823	1						1			2
28 Jul 1823	1	1	1		2					5
27 Oct 1823			1	1						2
26 Jan 1824	1	1	2	2		1				7
26 Apr 1824		1	2		1					4
26 Jul 1824						2	1			3
24 Jan 1825		3		1						4
25 Apr 1825			1							1
25 Jul 1825		2								2
24 Oct 1825			1							1
24 Apr 1826			1	1	2					4
24 Jul 1826			2		1	1	1			5
23 Oct 1826						1				1
29 Jan 1827	1	3			1					5
28 Jan 1828			1	1	1	1				4
% of Total Sample	11 11%	17 17.5%	21 21.6%	18 18.5%	12 12%	8 8.2%	4 4%	6 6%	NA	97

TABLE III

DATES OF ADMISSION AND LEAVING OF FREE SCHOLARS

Date of Admission	No. of Entrants	Not Avail-able	Date of Leaving										Comments
			1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	
No. of boys on Roll in Jan 1822	7		3	1		2							
21 Jan 1822	22. 1 refused	1	8	2	5	4	1	0	1				2 left, refusing to be flogged
29 Apr 1822	1			1									
22 Jul 1822	11		2	4	3	1					1*		* aet 15
28 Oct 1822	6	2	2*	2									* On day of admission
20 Jan 1823	9			5*		4							* 3 stayed 1 month
25 Apr 1823	2			2									
28 Jul 1823	5			2		1	1		1				
27 Oct 1823	2					1	1						"35 now in school"
26 Jan 1824	7	1			1	3	1			1			"There are 28 in the school".
26 Apr 1824	4				1	1	1					1 aet 16	"There are 32 boys besides those admitted"
26 Jul 1824	3				2	1							
24 Jan 1825	4							2		1	1		
25 Apr 1825	1							1					
25 Jul 1825	2	1								1			
24 Oct 1825	1	1											
24 Apr 1826	4						1	2	1				
24 Jul 1826	5	1					1	2	1				
23 Oct 1826	1						1*						*Left 23 Oct.
29 Jan 1827	5	2							1	1			1 left for Repton School. "No. in school including those admitted today 26".
23 Apr 1827	0												No. in school 23.
23 Jul 1827	1							1*					*Left day of admission - no age available.
28 Jan 1828	4	1							1	1	1		No. of boys 21 - including new admissions.
31 Mar 1828	0												End of Bordman's tenure.

TABLE IV

APPROXIMATE AGE IN YEARS OF SCHOLARS
AT ENTRY AND LEAVING
(1822-1828)

AGE AT ENTRY	AGE AT LEAVING IN YEARS										TOTAL
	7	8	9	10	11	12	13	14	15	16	
7	2	3	1	1		1	1		1		10
8		5	2	2	2	2	1				14
9			7	4	6	1	1			1	20
10				3	3	7	3				16
11					3	2	6	1			12
12						3	4	1			8
13							3	1			4
14								4	1	1	6
TOTAL	2	8	10	10	14	16	19	7	2	2	<u>90</u>
PER CENT	2%	88%	11%	11%	15.5%	17.7%	21%	7.7%	2%	2%	

TABLE V

THE APPROXIMATE LENGTH IN YEARS OF COURSES (1822-1828)

AGE ON ENTRY (YEARS)	APPROXIMATE LENGTH OF COURSES (YEARS)									
	Less than one year	1	2	3	4	5	6	7	8	TOTAL
7	2	3	1	1		1	1		1	10
8	5	2	2	2	2	1				14
9	7	4	6	1	1			1		20
10	3	3	7	3						16
11	3	2	6	1						12
12	3	4	1							8
13	2	1	1							4
14	4	1	1							6
TOTAL	29	20	25	8	3	2	1	1	1	90
PERCENT	32%	22%	27%	8.8%	3%	2%	1%	1%	1%	

Notes and References

NOTES AND REFERENCES

CHAPTER I - INTRODUCTION

- 1 Baron, G. & Hewell, D.A.:
"The Government and Management of Schools", p.2.
- 2 Beamont, W.:
"Annals of the Lords of Warrington from the Norman Conquest to 1587".
Chetham Society, 2 vols., 1872.

"Annals of the Lords of Warrington and Bewsey from 1587 to 1833".
1873, Manchester & Warrington.
- 3 V.C.H. Lancs iii.
- 4 Grealey, S., *et al*:
"The Archaeology of Warrington's Past"
Archaeological Surveys Ltd., Warrington New Town, 1976.
- 5 Dickinson, J.R.:
"The Botelers and the Irelands"
North West Archaeological Trust, in ms. Warrington New Town.
- 6 Proffitt, G.M.A.:
"The River Mersey, its Contribution to the (Economic) Growth of Warrington in the last 300 years".
Regional Essay 1969 - Fitzwilliam College University of Cambridge, ms. in W.R.L.
- 7 Croft, P.:
"The Evolution of Warrington's Landscape".
Dissertation - University of Hull 1969, ms. in W.R.L.
- 8 Return Endowed Charities,
Vol.iii, 1908.
- 9 Raines, F.R. (ed.):
"The Notitia Cestriensis".
Chetham Soc., Vol.21, Manchester, 1850.
- 10 Marsh, J.F.:
"On the Foundation and History of Boteler's Free Grammar School at Warrington".
T.H.S.L.C., Vol. viii, 1856, pp.51-74.
- 11 Beamont, W.:
"Scholars of the Warrington Grammar School".
Warrington Guardian, 1881. W.R.L. 09766.
"Masters of the Warrington Grammar School".
Warrington Guardian 1883. W.R.L. 09766.
- 12 Chaytor (Rev), H.J.
in V.C.H. Lancs ii, pp.601-603.

- 13 Leach, A.F.:
"English Schools at the Reformation, 1546-8".
Westminster, 1896.
"The Schools of Medieval England".
London, 1915.
"Educational Charters and Documents".
Cambridge, 1911.

Stowe, A.M.:
"English Grammar Schools in the Reign of Queen Elizabeth".
New York, 1908.
Orme, N.:
"English Schools in the Middle Ages".
London, 1973.
Simon, B.:
"Studies in the History of Education, 1780-1870".
London, 1960.
Simon, J.:
"Education and Society in Tudor England".
Cambridge, 1967.
O'Day, R.:
"Education and Society, 1500-1800".
London, 1982.
Thompson, R.S.:
"Classics or charity?"
Manchester, 1971.
"The English Grammar School Curriculum in the 18th Century:
A Reappraisal".
B.J.Ed.S., Vol.19, 1971.
"The Leeds Grammar School Case of 1805".
J.E.A.H., Vol.3(1), 1970.
Vincent, W.A.L.:
"The Grammar Schools: Their Continuing Tradition, 1660-1714".
London, 1969.
"The State and School Education in England and Wales, 1640-1660".
London, 1950.
Wallis, P.J.
"Histories of Old Schools: A Preliminary List for England and
Wales".
B.J.E.S., 1965-1966.

- 14 In a private communication from the Assistant Archivist of Corpus Christi College, Oxford, the present writer was informed that, although Warrington was included in Christopher Wase's list of Lancashire Schools, no late return was received for 1676.

See also

- Oakshott, A.M. de'I.:
"The Education Inquiry Papers of Christopher Wase".
B.J.Ed.St., Vol.19, 1971., pp.301-332, esp. p.331.

- 15 Carlisle, N.:
"A Concise Description of the Endowed Grammar Schools in
England and Wales".
2 vols, London, 1818.
Carlisle does not record that he received no reply from
Warrington.

CHAPTER II - THE FOUNDATION OF THE FREE SCHOOL OF WARRINGTON

- 1 Plate I is based on a family tree of the Botelers by W. Beamont, published privately. (W.R.L.)
- 2 It has been suggested that the name *Warrington* is derived from Anglo-Saxon *tun* (= farm) *at a weir* ("the farm at the dam").
See
Ekwall, E.,
"The Concise Oxford Dictionary of English Place Names", p.499.
Potter, S.: "South West Lancashire Place Names".
T.H.S.L.C., Vol.VIII (1959), p.8.
- 3 Walker, F.:
"Historical Geography of South West Lancashire before the Industrial Revolution".
Chetham Soc., pp.10 & 83.
- 4 Baines, E.:
"History, Directory and Gazeteer of the County of Lancaster".
Vol.ii, p.579.
- 5 Croft, P.: *op cit*, p.32.
- 6 The evidence and information for this section has been drawn from:
Carter, G.A.:
"The Town of the Ford" in Official Guide, County Borough of Warrington.
Carter, G.A. *et al*:
"Warrington 100 Years a Borough", County Borough of Warrington, 1947.
Grealey, S., *et al.*, *op.cit.*
- 7 *See*
Williams, J. and Hinchcliffe, J.:
Draft report: "Roman Excavations at Wilderspool",
ms. in Warrington Museum.
The work at Wilderspool was carried out during
the period 1976-79.
Grealey, S., *et al*: *op cit*.
- 8 *See* V.C.H. Lancs iii, p.308 ff.
for details and history of the Parish Church of Warrington.
- 9 Carter, G.A.: "Official Guide", p.28.
- 10 Beamont, W.: "Annals", Vol.i, p.57.
Grealey, S.: *et al.*, *op.cit.*, p.8.
- 11 This section draws on V.C.H. Lancs i, pp.337-349:
Dickinson, J.R. *op cit*.
Beamont, W., "Annals", (i), *passim*.
In Domesday Book, the name of Warrington appears as *Walintone*:
Morgan, P. (Ed), "Domesday Book", Vol.26.
Later versions of the name were *Werinton* (1242), which was common along with *Werington* and *Warrington* (1330).
V.C.H. Lancs iii, p.316.

- 12 See Plate I.
- 13 Dickinson, J.R.: *op cit.*, p.6.
- 14 Carter, G.A.: "Warrington 100 Years", p.14.
- 15 Dickinson, J.R.: *op cit.*, p.11.
- 16 These rules and regulations were collected together in 1592 in "The auncient customes, statutes and ordenances of the Town of Warrington". W.R.L.
- 17 Leyland, J.: "Itinerary VII". Quoted in V.C.H. Lancs iii, p.305. This description gives a clear picture of the town with its eastern boundary marked by the Parish Church and its western limit by the bridge over the Mersey.
- 18 Proffitt, G.M.A.: *op.cit.*, p.26.
- 19 Raines, F.R.: "A History of the Chantries etc." Vol.i.,pp.57-61.
- 20 See Beamont, W.: "Annals", II, Ch.12, V.C.H. Lancs iii, pp.347-8.
- 21 Further details of casualties at Flodden and of the life of Sir Thomas Boteler, *see* introduction to:
 Beamont, W.:
 "The Homage Roll of the Manor of Warrington" in Miscellanies of Lancashire and Cheshire, I". Record Society 1885, No.12, pp.1-11.
- 22 Simon, J.: *op.cit.*, p.7.
- 23 Mumford, M.D.:
 "The Manchester Grammar School, 1575-1915".
 London, 1919, p.3.
- 24 D.N.B., iv, pp.48-49.
- 25 Mumford, M.D.: *op.cit.*
 Carlisle, N.: *op.cit.*, pp.672-683.
 D.N.B. xlii: pp.105-107.
- 26 Lewis, C.R.:
 "The History of Farnworth Grammar School" (1905).
 D.N.B.liii, pp.138-141.
- 27 LRO DDLi, Box 138, No.2.
- 28 *Ibid.*
- 29 Haigh, C.:
 "Reformation and Resistance in Tudor Lancashire", pp.123-4.
- 30 Based on:
 Wallis, P.J.:
 "A Preliminary Register of Old Schools in Lancashire and Cheshire".
 T.H.S.C., Vol.120.
 Orme, N.: *op.cit.passim.*
 V.C.H. Lancs ii, *passim.*

- 31 Jordan, W.K.:
"The Social Institutions of Lancashire ... 1480-1660",
pp.30-41.
- 32 Simon, J.: *op.cit.*, p.82.
- 33 CRO DBC/2391/2, LRO DDKe 64/1.
Original copies of the Foundation Deed, 1526.
- 34 CRO SP3/14/2 Original Foundation Deed of 1502, Macclesfield.
CRO SP3/14/5 Foundation Charter of Edward VI, 25 Apr 1552
(in Latin).
CRO SP3/14/8 *Ibid* - in English.
V.C.H. Ches. iii, pp.237-240.
Carlisle, N.: *op.cit.*, i, pp.117-122.
- 35 Carlisle, N.: *op.cit.*, 71-79.
- 36 Simon, J.: *op.cit.*, p.307.
- 37 Mumford, M.D.: *op.cit.*
Carlisle, N.: *op.cit.*, pp.672-683.
- 38 V.C.H. Ches. iii, pp.240-241.
- 39 Cox, M.:
"A History of Sir John Deane's Grammar School, Northwich",
Manchester, 1975.
V.C.H. Ches.iii, pp.244-247.
- 40 In the Foundation Deed, the following spellings of the name
appear: Buteler, Butteler, Boteler. The commonest form for
the first 400 years was Butler.
- 41 Dame Margaret Boteler: daughter of John Delves of Doddington,
said to have subsequently married Richard Butler of Rawcliffe.
Ranulph Pole: described in attestation to the will as
"Parson of Hawardyn".
Richard Sneyd: recorder of Chester and four times member of
Parliament for that city. Sir Thomas probably selected him as
one of his executors because of his professional knowledge. He
was also executor to Thomas Stanley, second Earl of Derby.
William Plumtre: the "well-beloved" Chaplain of the Founder.

See also: Beamont, W.: "Homage Roll of Manor of Warrington".
Marsh, J.F.: *op.cit.*, pp.53-54.
- 42 The feoffees were:
Sir Richard Bold (son-in-law of Founder), William Lailand,
George Boothe (son-in-law of Founder), Henry Kighley (son-
in-law of Founder), Henry Delves, John Holcroft, William
Massey, Gilbert Culcheth, John Hawarden, Ranulphe Brereton
(son-in-law of Founder and founder of school at Malpas),
John Boothe, Richard Risley, Richard Bruce, Thomas Rixton,
Thomas Penketh, Thomas Morriss.
The names Leyland, Culcheth, Risley, Rixton and Penketh are still
in use as place-names.
- 43 Sir Richard Taillior: "Sir" here used as the clerical title.

- 44 The implications of the term "free" are considered in Section V.
- 45 The name *Bag* (Lane) was probably a local pronunciation of *Back*, which was the form of the word used by J. Wallworth and D. Donbavand on the map of 1772 (Map IV). The term *Back* indicated the position of the lane in relation to Kirk (Church) Street, the main thoroughfare of the town.
- 46 Stowe, A.R.: *op.cit.*, p.25.
- 47 Mumford, M.D.: *op.cit.*, p.482.
- 48 Cox, M.: *op.cit.*, p.296.
- 49 Leach, A.F.: "Educational Charters and Documents, 598-1909", pp.331-341.
- 50 "Whittyngton's Grammar": Robert Whittington, author of numerous grammatical works, re-edited Stanbridge's "Grammar" which had been recommended by Bishop Oldham for use of Manchester. Marsh, J.F.: *op.cit.*, pp.57-58 n.
Leach, A.F.: "The Schools of Medieval England", p.271 ff.
- 51 Curtis, S.J.: "History of Education in Great Britain", pp.43-48.
Leach, A.F.: English Schools at the Reformation, 1546-8, p.114.
- 52 Leach, A.F.: *ibid*, p.114.
- 53 Simon, J.: *op.cit.*, p.370.
- 54 Brown, J.H.: *op.cit.*, pp.14-15.
- 55 Cox, M.: *op.cit.*, p.301.
- 56 Brown, J.H.: *op.cit.*, p.140.
- 57 Cox, M.: *op.cit.*, p.300.
- 58 Carlisle, N.: *op.cit.*, ii, pp.757-763.
- 59 O'Day, R.: *op.cit.*, p.45.
- 60 Brown, J.H.: *op.cit.*, pp.117 & 119.
- 61 Stowe, A.R.: *op.cit.*, p.104.
- 62 Brown, J.H.: *op.cit.* adds the view that
" ... public opinion and especially parental opinion
[preferred] that boys should be out of harm's way, rather
than running the streets and getting into mischief", p.90.
- 63 O'Day, R.: *op.cit.*, p.73.
- 64 Cox, M.: *op.cit.*, p.300.
- 65 There is no record in the archives of Manchester College (held in the Cathedral Archives Office) of any documents concerning the School of Warrington. (From correspondence between Cathedral Archivist and present writer.)

- 66 Stowe, A.R.: *op.cit.*, p.28.
- 67 Cox, M.: *op.cit.*, p.296.
- 68 Stowe, A.R.: *op.cit.*, p.86.
Leach, A.H.: "English Schools at the Reformation 1546-8", p.93.
Brown, J.H.: *op.cit.*, pp.36-37.
- 69 V.C.H. Lancs. iii, p.602. The wording of the instructions for the obit bears a strong resemblance to those for Barton's Chantry at Thornton, Bucks., which Leach regarded as "a very good instance of a Chantry foundation".
"English Schools at the Reformation", pp.49-52.
- 70 The Founder was one of the few manorial lords who continued the ancient custom of publically accepting the homage of his tenants.
See Beamont, W.: "The Homage Roll of the Manor of Warrington", in "Miscellanies of Lancashire and Cheshire, i".
- 71 S.I.C., Vol. XVII, pp.1867-8, XXVIII, Pt.XIV, p.417.
- 72 Orme, N.: *op.cit.*, 116 n.
- 73 *Ibid*, p.124.
- 74 Ormerod, G. records that in 19 Hen VIII (1527):
"William Egerton, gent, suffered a recovery of three messuages, and 75 acres, in Hulse, Rudheath, and Stubblache, in favour of Randle Pole, clerk, Richard Sneyde, esq, and William Plumtre, clerk".
("History of Cheshire", iii, p.167.)

CHAPTER III - 1526-1619

- 1 Taillior's origins are uncertain. It is unlikely that he was the person identified in Rees, L.E.: "Handbook", p.41.
- 2 The quotations are from: Haigh, C.: "Reformation and Resistance in Tudor Lancashire", p.42, pp.180-181.
- 3 CRO EDV 2/4.
- 4 Marsh, J.F. *Op.citt.*, p.66.
- 5 Rogers, C.D.: "The Development of a Teaching Profession in England", p.83.
- 6 Caley, J. (Ed.): "Valor Ecclesiasticus". Temp Henry VIII, Vol.5, p.219.
- 7 Chaytor, H.J. in V.C.H. Lancs ii, p.601.
- 8 From Plumtre's will, a bequest " ... to Maister Boteler's Chappell within the parish Church at Werington vis viiid and that to be disposede by the skole maister there and Sir Robert Hall" - *from* ms. of Raine, J., quoted in Raines, F.R.: "A History of the Chantries, etc.", Vol.i, p.60 n.

The chantry in the parish church of Warrington was visited by the Commissioners of Edward VI in 1548 when the chantry priest was still Robert Hall of whom it was recorded:
"Robert Halle, incumbent, at the age of 70 yeres, a man decrepit and lame of his lymmes hathe the clere yerelie reuennue of the same for his salarie, £4.10.5. ... ". The chantry was confiscated and Robert Halle pensioned.
- Leach, A.F.: "English Schools at the Reformation", pp.119-20.
- 9 Raines, F.R. (Ed.): "Visitation of Lancashire by William Flower, 1567".
- 10 The complicated history of the Boteler family is dealt with in detail in the following works:
Beamont, W.: "Annals" (2 Vols. - this period is covered by Vol.ii).
Dickinson, J.R.: *op.citt.*
- 11 Duc.Lancs. 1, ii, p.20.
- 12 W.R.L. Ms.913.
"A deed for the recovery of Boteler's debt to the King," 1524.
- 13 V.C.H. Lancs iii, p.311, n.
W Beamont: "Annals", ii, p.453.
- 14 Dickinson, J.R.: *op.citt.*, p.41.
- 15 DDLi 112/63 and 64.
The relationship with the Booth family of Dunham rose from the marriage of Sir John Booth to Elizabeth, one of the eight daughters of the Founder.

- 16 DDLi 137/1.
W. Beamont: "Annals", ii, pp.485-6.
- 17 For details of the legal transactions and documents, *see*:
Beamont, W.: "Annals" ii, pp.493-518.
Beamont, W.: "Lords of Warrington & Bewsey", pp.2-41.
Dickinson, J.R.: *op.cit.*, pp.42-45.
- 18 For a fuller account of the life and financial operations of Edward Boteler, *see*
Baines, E.: "History of the County Palatine and Duchy of Lancaster", Vol iii, pp.657-658.
- 19 Beamont, W.: "Annals", ii, Chap.24, DDLi 251/70.
- 20 Rees, L.E. in "Handbook for the Quartercentenary" based on an entry in Foster, J.: "Alumni Oxoniensis", Vol.iv, p.1553, which gives the date "18 June 1572". There is, however, no further evidence to associate the entry with the Warrington schoolmaster.
- 21 DDLi 251/70.
Beamont, W.: "Annals", ii, p.540.
Fitchett Marsh, J.: *op.cit.*, p.66.
- 22 Warrington Parish Church Register for 30 May 1605:
"Mr John Wakefeld Ludimagistr".
- 23 John Mainwaring was the third son of Robert Mainwaring of Merton in Cheshire.
See: Ormerod, G.: "History of Cheshire etc.", ii, p.178.
Beamont, W.: "Annals", ii, pp.491-2.
References to him in the Duchy Proceedings, esp. ms.1607, show him to be of a turbulent, unco-operative nature. During the negotiations concerning the disposing of the Boteler lands, the Queen's solicitor-general wrote to a local dignitary asking him to use his influence on John Mainwaring so that he "may frame him to good conformity" - DDLi 251/26. He was not successful: Mainwaring and his wife waged a further plea for lands against Sir Thomas Gerrard: "Duc. Lancs", III, p.509.
- 24 Evidence concerning these claims appears in the Duchy Court proceedings, especially the Decree of 1607 and Establishment of the Orders, etc., 1610.
- 25 Simon, J.: *op.cit.*, p.372.
- 26 V.C.H. Lancs., i, p.349.
- 27 Simon, J.: *op.cit.*, pp.171-2.
- 28 Marsh, J.F.: *op.cit.*, p.63.
- 29 V.C.H. Ches.ii, p.241.
Ormerod, G.: "History of Cheshire", ii, p.241.
- 30 Leach, A.F. in V.C.H. Derbs., ii, p.233.
- 31 Simon, J.: *op.cit.*, pp.227-239.

- 32 D.N.B., Vol.59, p.299.
Beamont, W.: "Annals", ii, p.492.
- 33 "Cal. Ducatus Lancastriae", Pars Quarta., p.389.
In this entry, Elizabeth is referred to as "Grand-daughter of Sir Thomas Butler, Knight, the Founder". She was, in fact, great grand-daughter of Sir Thomas Boteler (I). Some writers refer to Sir Thomas Boteler (II) as a "founder" since he, *de facto*, founded the school.
- 34 *Ibid*, p.408.
- 35 DDLi, 252/1/IV.
- 36 CRO SL382/19/3a. Decree of 1607.
A contemporary "vera copia concordans cum original". This was attested for by Jo. Brograve, Jo. Manwaringe, Thos. Tildesley "cum quer", Tho. Ireland "cum deft".
CRO SL 382/18/3.
"Copy Proceedings in Court of Duchy of Lancaster".
LRO DDLi 252/1.
"Abstract of various documents concerning the Free Grammar School of Warrington".
CRO SL 382/3.
"Abstract of the Deeds, Instruments and Writings relating to the Free School at Warrington".
See also Report of the Charity Commission for Lancashire, *op.cit.*, pp.469-470.
- 37 CRO SL 382/18/3a.
- 38 DDLi 252/1/IV.
- 39 *See* Note 23 above.
- 40 *ie.* leased/transferred (O.E.D.)
- 41 *ie.* a fee paid by tenant on commencement of tenancy (O.E.D.).
- 42 *ie.* propositions (O.E.D.).
- 43 Thomas Tildesley: Attorney for the appellant: heir of Thurstan Tildesley, named in the Foundation Deed.
- 44 Thomas Ireland: Attorney for the defence, by then Lord of the Manor of Warrington.
- 45 Sir John Brograve: Attorney General of the Court of the Duchy of Lancaster.
- 46 *ie.* a peaceful repossession.
- 47 *ie.* repair.

- 48 The names of the governors:
 Sir Peter Leigh of Bradley, Thomas Bould, Richard Fleetwood,
 Baron of Newton, Alexander Standish of Woolston, Richard Massy
 of Rixton, Richard Urmeston of Leigh, John Asheton of Penketh
 Esquires, Thomas Sonkey gent, Sir Randle Brereton, Sir William
 Brereton, Sir George Booth, Sir Thomas Savage, Sir Richard
 Egerton, Thomas Delves of Dodington Esq., Thomas Dutton, gent,
 son and heir of John Dutton of Dutton, John Massy of Pedington
 [*ie.* Paddington, a district of Warrington].
- 49 Sir Thomas Gerrard of Bryn was the heir of the "supposed
 surviving feoffee". Richard Penketh of Penketh was "a supposed
 surviving feoffee". Thomas Ireland claimed to have a grant of
 concealment of all lands procured by the late Earl of Leicester.
- 50 stocke: a chest.
- 51 *ie.* John Wakefield.
- 52 The "heir of the founder" here is Margaret Mainwaring.
see V.C.H. Lancs ii, p.602.
- 53 Copies also in PRO C/93/6/23, in Latin.
- 54 The bracketed word is missing from the ms. but is here quoted
 from one of the codicils to the will. The "priest's chamber" was
 in Kyrk (Church) Street.
- 55 This passage explains the delay of the plea being dealt with by
 the Duchy Court.
- 56 *See* the description of the school in the Decree of 1607.
- 57 *ie* the Complainant, *viz* Sir Peter Warburton.
- 58 *ie* Inquisition.
- 59 Marsh, J.F.: *op.cit.*, p.66.
- 60 Details of this Robert Martin are found in:
 Foster, J.: "Alumni Oxoniensis", B.A. Brasenose College, 1602.
 Richards, R.: "Old Cheshire Churches", p.512.
- 61 Rees, L.E.: *op.cit.*, pp.23-24.
- 62 Marsh, J.F.: *op.cit.*, p.66.
- 63 Rees, L.E.: *op.cit.*, p.24.
- 64 LRO DDKe: uncatalogued box, "Walton-le-Dale, Warrington,
 Worsley".
- 65 Cottle, B.: "The Penguin Dictionary of Surnames", p.205.
 LRO, DDLi, Box 14, Docs.1,29.
- 66 Ridgway, M.H. and Berry, E.K. (Eds.).
 "Cheshire Sheaf": 4 Series, Vol.4, p.6, 1969.
 V.C.H. Ches. iii, p.247.

- 1 Return Endowed Charities, Vol.iii, pp.469-470.
- 2 Nathan Ashworth:
"Co. Lancaster 'cler. fil'".
Brasenose Matric, 14 March 1605/6, aet 18, BA, 29 Nov 1609.
(Foster, J., *op.cit.*).
- 3 Warrington Parish Register.
- 4 Rack: "to raise (rents) exorbitantly". (OED)
- 5 Beamont, W.: "Masters", *passim*.
Marsh, J.F.: *op.cit.*, pp.51-74.
- 6 Marsh, J.F.: *ibid*, p.67.
- 7 LRO DDLi Box 15 No.48 - Lease of land at Arrow.
- 8 LRO DDLi Box 138 No.64 - Lease of land at Woolston Moss.
- 9 This section is based on:
Part I of "Warrington - 100 Years a Borough", pp.30-33,
V.C.H. Lancs ii, p.306.
For a fuller account of the strategic importance of Warrington in
the Civil War, see Walker, F. *op.cit.*, pp.140-141.
- 10 Beamont, W.: "Masters".
- 11 Rogers, C.D.: "The Development of a Teaching Profession in
England, 1547-1700", p.84.
- 12 Rogers, C.D.: "Education in Lancashire and Cheshire
1640-1660", T.H.S.L.C., pp.42-43.
Marsh, J.F.: *op.cit.*, p.67.
- 13 Rogers, C.D.: T.H.S.L.C., p.44, *op.cit.*
Dor, R.N.: "The Civil Wars in Cheshire", p.18.
- 14 Leach, A.F.: "A History of Winchester College", p.349.
- 15 Rogers, C.D.: T.H.S.L.C., p.44, *op.cit.*
For examples of the effects of the Civil War on Schools further
afield, see : Vincent, W.A.L.: "The State and School Education
1640-1660", pp.39-44.
- 16 The holders of the office of School Master for the period
1673-1686 were:
John Wright: 1673-1679, b.1618.
Brasenose, matric 1634, buried Warrington Parish Church
3 Sep 1679.
Entry in Clergy Call Book for 1677 includes under Warrington
"Joh. Wright Grammar Schl M^F."
(CRO EDV 2/9).
J. Clayton: 1680?-1683?:
referred to in parish meeting on 22 Jun 1680 and 5 Jun 1681 as
"J Clayton sch.m^F de Warrington"; possibly admitted as Fellow
Commoner at Trinity College, Dublin, 11 Feb 1638/9.

Joseph Willott: 1683?-1686:

B.A. Jesus College, Cambridge 1677, M.A. 1681. Clergy Call List for 1686 records him as "Ludimagistr" (CRO EDV 2/10).

The parish register records his burial on 10 Nov 1683:

"Mr. Joseph Willott scholemaster of the Free Scoole".

(Above information also from -

Marsh, J.F., *op.cit.*;

Foster, J., *op.cit.*;

Venn, J.: *op.cit.*;

Parish Register of Warrington;

Rees, L.E., *op.cit.*)

17 Marsh, J.F., *op.cit.*, p.67.

18 The Rev. Samuel Shaw: School Master 1687-1718:

Rector 1690/1-1718; Queen's College, Cambridge, M.A.1677, incorporated Oxon same year; Master at Wigan School, 1676-1686. Deacon and Priest by Bishop of Chester 14 Jan and 20 Sep 1674. (CRO EDV 2/10A 1691).

Licensed for Warrington 28 Jan 1686)

(Based also on:

Venn, J., *op.cit.*, V.C.H. Lancs ii, p.312 and n.)

19 Shaw's meeting with Cartwright is recorded in Cartwright's Diary as follows:

"I came to Wigan before noon, was met 3 miles off by the mayor and aldermen, and several neighbouring gentleman (*sic.*); and at my entrance to the town was saluted with an elegant speech in Latin, and as well delivered, by Mr. Shaw the Schoolmaster .. ". (Cartwright, T.: The Diary of Dr. Thomas Cartwright, Bishop of Chester, p.14.)

Cartwright was Bishop of Chester 1686-1689 and also Rector of Wigan.

The "Diary" records occasions when, on his journeys between Chester and Wigan, Cartwright dined with Shaw.

(See also: Beamont, W., "Schoolmasters".)

20 "An Account of Warrington School c.1717", CRO EDA/6/3/45.

21 V.C.H. Lancs. ii, p.586.

Vincent, W.A.L.: "The Grammar Schools ... 1660-1714".

22 In a list of Charity schools in Lancashire and Cheshire for 1702, an entry for Warrington 1712 reads: "An Usher is here provided who teaches the poor children at the Grammar School".

Earwaker, J.P. (ed.): "Local Gleanings Relating to Lancashire and Cheshire", Vol.1, 1875-76, p.224.

23 The transcript of this letter is from Beamont, W.

"Lords of Warrington & Bewsey", p.141.

The original, according to Beamont, was in the Warrington Museum, but has not been traced to date.

24 CRO EDV 2/10A 1691.

25 V.C.H. Lancs. ii, p.311n;

Beamont, W.: "Masters", p.3;

Marsh, J.F.: *op.cit.*, p.68.

- 26 King's Preachers:
 An office instituted by Elizabeth I "at a time when there was great want of learned persons to preach the reformed doctrine and strengthen the feebleness of Protestantism". Lancashire was backward in becoming protestant after the Reformation.
See: Beamont, W.: "Schoolmasters".
 Raines, F.R. (Ed.): "The Notitia Cestriensis", ii, p.233.
 Axon, E. "The King's Preachers in Lancashire, 1599-1845".
 T.L.&C. Antiq.Soc., lvi, 1941-42, p.97.
- 27 Bishop Gastrell recorded payments to "the Master of the new School behind Trinity Chappell, for teaching 20 poor Boyes to read, or cast Accounts". "Notitia Cestriensis", xxi, p.236.
- 28 Bishop Gastrell noted: "Warrington eminent for its charities".
ibid., p.234.
- Warrington Clergy Institution, founded in 1697, still continues. In 1842 it founded a school for the orphan daughters of the clergy on the site of the old Motte Hill; it was moved in 1905 to Darley Dale, Derbs. V.C.H. Lancs. ii, p.316.
- 29 Based on Beamont, W.: "Masters".
 Marsh, J.F.: *op.cit.*
 Owen, E.: Private papers.
- 30 Rogers, C.D.
 "The Development of a Teaching Profession in England", etc., p.87.
- 31 John Tatlock:
 Brasenose College, Oxford. B.A. 1712, M.A. 1716.
 Brasenose College Register.
- 32 Marsh, J.F.: *op.cit.*, pp.68-69.
 Beamont, W.: "Masters", *passim*.
- 33 Both letters are taken from The Raines Bequest, Vol. 44 9/392, mss. in Chetham's Library, Manchester.
- 34 Raines, F.R. (Ed.): "Notitia Cestriensis".
 Chet. Soc. 1st Series viii, xxi-xxii.
- Thacker, A.T.: "The Chester Diocesan Records and the Local Historian", T.H.S.L.C., Vol.130, 1981, p.151.
- 35 Thomas Hayward: b.1695 in Warrington.
 Brasenose College B.A. 1716, M.A. 1719.
 (Foster, J., *op.cit.*)
- 36 James Ansdell: "Licenc'd to the free Grammar Sch in W^{ton} ..." 26 Sep 1757. CRO EDA 1/6.

CHAPTER V - 1757-1807.

- 1 The biographical details are based on D.N.B. Vol.XLII, pp.404-5 and O.H.S.IX, p.248; other sources are acknowledged as they are used.
- 2 The Rev. James Ansdell did not take up the office of schoolmaster at Warrington: *see* Chapter IV, Note 36, and Marsh, J.F. *op.cit.*, p.70.
- 3 CRO Bishops Act Book EDA 1/6 which records that Owen had previously been Usher at Great Crosby.
- 4 Foster, J.: *op.cit.*, III, p.1050, B.A. 1749, M.A. 1752.
- 5 CRO EDA 1/6 (Bishop's Act Book).
- 6 CRO EDA 1/7 (Bishop's Act Book).
- 7 In answer to the question in a questionnaire from the Bishop of Chester (6 April 1778 from Lambeth):
"Do you reside constantly upon your Cure, and in the House belonging to it? If not, where, and at what Distance? How long in each year are you absent?"

Owen replied, in his own hand:
"I reside constantly upon my Cure, in the house belonging to the Free-School (of which I am the Master) at a very small Distance from the Church".

CRO EDV 7/1/213 (*see* Map IV).
- 8 D.N.B., xlii, p.404.
- 9 Marsh, J.F.: *op.cit.*, p.70.
- 10 "The Common Accidence Methodised and Enlarged"; first edition 1770. In the preface to the edition of 1804, after commenting on the books used at Eton for the teaching of Latin, Owen added, in commending his own work: "... but masters of inferior schools certainly want such helps as the present collection furnishes".
- 11 Marsh, J.F.: *op.cit.*, p.71.
- 12 D.N.B., xlii, p.405.
- 13 Wakefield, Gilbert: "Memoirs of the Life of Gilbert Wakefield", London 1792. Gilbert Wakefield was classical tutor at Warrington Academy from 1779 to 1783, when the Academy was dissolved. He had been ordained deacon in the Church of England but had not taken priest's orders; he found he could no longer subscribe to the articles of the church. Thus there was considerable difference between the religious views of Wakefield and those of Owen which are expressed in Wakefield's words: "My friend ... [*ie* Owen] ... is a very good churchman, and, after some rebukes, wonders in silence at my outrageous heresies. But such opposition of sentiment does not, I trust, lessen in any degree our mutual esteem".
pp.161,162 n. *See also* D.N.B. lviii, pp.452-455.

- 14 CRO SL382/8, CRO SL 382/18/4 & 5. These are three hand- made note-books of the same size, on paper bearing the same watermark.
- 15 CRO SL 382/8. Owen's Account Book.
- 16 See Map IV which shows "the old road" and "my own field" on the east of the School. Owen had originally rented the field from John Blackburne, Lord of the Manor of Warrington, at least as early as 1762 (CRO HDT 413) and had renewed the lease from time to time. Owen gained possession of it by a Deed of Exchange, 6 Jun 1772, with Blackburne in which he exchanged a "parcel of land" for which he received the "parcel of land ... on the east side of and next adjoining to the Free Grammar School ... and commonly called or known by the name of the Schoolfield ... " (CRO SL 382/3). This land was not originally in the foundation but subsequently featured frequently in the transactions of the Feoffees.
- Map No.IV is an extract from the work of J. Wallworth and D. Donbavand in 1772. It is the earliest known map of the whole of the township of Warrington. This extract covers the area around the Free School, the Parish, Back Lane and Church Street. The area is the eastern extremity of the town.
- 17 These buildings were on lease to Robert Shaw (son of former Master and Rector, Samuel Shaw) who had taken them over from his mother (CRO HDT 5320).
- 18 See Decree of 1607 (Chap. III).
- 19 CRO SL 382/18/4 & 5.
- 20 The additional gifts were:
- i) from Sir Peter Warburton - £5 a year, being "a rent charge of some houses in Bridge Street, Chester";
 - ii) from the Standish family, Lords of the Manor of Woolston, "two small crofts in Woolston near Warrington";
 - iii) from "one Mr. Earl" - "ten shillings yearly off the Marsh-house Estate within Warrington".
- 21 There is an insertion here: "See Counsellor Ellys's opinion ... It is dated 1655".
- 22 There is here an inconsistency in the date. Shaw was not appointed Master until 1687. The Master in 1677 was John Wright, J.F. Marsh (*op.cit.*, p.69) was of the opinion that the submissions from the tenants were of an earlier date, in the time of Nathan Ashworth, the Master from 1620-1673. Owen is not entirely reliable in the matter of dates, but the essential point here is that the business of dealing with the financial affairs of the School had become the work of the Master and not of the Feoffees.
- 23 The Charity Commissioners confirmed this view. Of those estate lands they wrote: " ... we have not been able to obtain any account whatever either as to their description or locality". (Return Endowed Charities 1828).

- 24 See Foundation Deed (1526) and "School Receipts" (Chap. III) *re* land at Tyldesley.
- 25 The importance of this section lies not only in the definition of the Feoffees' duties, but, more pertinently, in the implications of what was being contended, *viz*: an arbitrary limitation on his "maintenance".
- 26 Throughout this section, the comment made in Note 25 above applies. The implications and innuendoes, although they are not specified, are unavoidable and can be interpreted as indicating an uneasy relationship between Master and Feoffees which concerned the management of the School.
- 27 LRO C.640, Edward Owen's Will.
- 28 See Map IV; both these streets are in close proximity to the School. It is interesting to note that Owen calls the road in which the School stood "Back Lane" (as also did Wallworth and Donbavand) whereas earlier mss. (*eg* the Foundation Deed) used the name "Bag Lane".
- 29 Marsh, J.F.: *op.cit.*, p.71.
- 30 LRO DDLi 252/14.
- 31 Rex v. Archbishop of York (1795), 6 Term Reports 490. Quoted by Tompson, R.S.: "Classics or charity?", p.100.
- 32 Tompson, R.S.: *ibid*.
- 33 *eg*. Tompson, R.S.: *ibid*.
Tompson, R.S.: "The English Grammar School Curriculum in the 18th Century: A Reappraisal".
B.J.Ed.St., Vol.19, 1971.
- 34 Wardle, D. in V.C.H. Ches. iii, p.215.
- 35 For details of schools introducing changes to the curriculum see Simon, B.: "Studies in the History of Education 1780-1870". pp. 102-107.
- 36 Carlisle, N.: *op.cit.*, p.119-120. V.C.H. Ches.iii, pp.238-9.
- 37 Leach, A.F. in V.C.H. York, i, p.459.
- 38 Simon, B.: *ibid*, p.107.

For further considerations of the implications and effects of the Leeds Grammar School Case, *see*

- Curtis, S.J.: "History of Education in Great Britain", pp.59-61.
- Tompson, R.S.: "The Leeds Grammar School Case of 1805". J.E.A.H. III (T), pp.1-6.
- Tompson, R.S.: "Classics or charity?", pp.116-126.
- Gosden, P.H.J.H.: "The Development of Educational Administration in England and Wales", p.57.

The six remaining feoffees in 1803 were George Harry, Earl of Stamford and Warrington, Thomas, Earl of Wilton, John Blackburne, Esq., Thomas Patten of Bank, Esq., Peter Patten, Esq., the Rev. Geoffrey Hornby, Clerk. The new feoffees were Harry Grey (Lord Grey), Sir Peter Warburton, Bart, Sir Richard Brooke, Bart, William Egerton of Patten, Esq., Isaac Blackburne, Esq., Meyrick Holme, Esq. (later Bankes), the Rev. Geo. Heron, Clerk, Richard Gwillym, Esq., Thomas Lyon, Esq., Thomas Pemberton, Doctor of Physic.

CHAPTER VI - 1807-1814

- 1 LRO DDLi 252/43. Presentation to the Bishop of Chester of Robert Atherton Rawstorne, 1807.

LRO DDLi 252/44. Appointment by Lord Lilford of Robert Atherton Rawstorne to be Master of the Grammar School of Warrington: to Lord Lilford's Trustees, 1807.

Rawstorne was "to receive and take all such profits and emoluments", to have the power of appointing ushers and to have the same rights and privileges as had been enjoyed by the Rev. Edward Owen and his predecessors.

LRO DDLi 252/46. Appointment by Lord Lilford's Trustees of Robert Atherton Rawstorne to be master of the Free Grammar School of Warrington, 21 Apr 1807.

CRO EDA 1/9. Bishop's Act Book 1791-1808. Admission and Institution of Robert Atherton Rawstorne to Rector of Warrington, 3 Jun 1807.

Ibid. Licence of Robert Atherton Rawstorne to be Schoolmaster of the Grammar School of Warrington ... on the Nomination of the Right Honorable Lord Lilford the Patron.

Beamont, W. "Masters", p.7.

- 2 Robert Atherton Rawstorne: Brasenose College, Oxford, matric 1796; B.A. 1800; M.A. 1803; Rector of Warrington 1807-1831, Rector of S.Thoresby, Lincolnshire 1831, until his death 12 May 1852. (Foster, J., *op.cit.*, iii, p.1180.)
- 3 William Bordman: Pembroke College, Oxford: matric 1793; B.A. 1799; M.A. 1801. (Foster, J., *op.cit.*) In certain mss. his name is incorrectly spelled as "Boardman". Where this form appears in a ms. it is retained.
- 4 Marsh, J.F.: *op.cit.*, pp.71-72.
- 5 The citizens of Warrington were as follows:

John Arthur Barrow, Peter Dutton (gentry), Joseph Parr (gentry), Holbrook Gaskell (sail cloth manufacturer), John Litton (draper), John Pickmore (wine merchant), Samuel Gaskell (cotton manufacturer), John Leigh Brint (tanner), Joseph Lee, Thomas Skitt, William Smith, John Booth.

Based on information in:

"Universal British Directory", 1792.

"Commercial Directory of Manchester", 1816-1817.

- 6 The account of the Bill which now follows is based on mss. deposited at CRO SL 382/1/3 from the Warrington firm of Fitchett and Wagstaff, clerks to the magistrates and the lords of the manor of Warrington, who were to become the legal clerks to the Trustees of the School after the Decree in Chancery.

- 7 At this point, the information does not raise the question of the original allowance for the Schoolmaster (*ie* £10 p.a.). The building aspirations of Owen seemed, from the definition of the purpose of the Charity, to be out of order.
- 8 See details for nomination of Schoolmastr in Foundation Deed in default of others making the appointment, and in the absence of rightful heirs of the Founder.
- 9 Other foundations had "official receivers" from the beginning, *eg.* The King's School, Macclesfield.

The method of collecting rents on a rota system in the two counties of Lancaster and Chester, ordered by the Duchy Court of Lancaster, appears not to have been carried out.

- 10 John Gorst, attorney, of Preston. He represented Lord Lilford's legal interests in Lancashire. Further details of him are given below. His ms. here named is LRO DDLi 252/2.
- 11 LRO DDLi 254 Bundle: "Correspondence *re* Warrington School Litigation. Nomination of Schoolm^r, 1810-1818".
- 12 These are various documents in LRO DDLi 252, individually identified as they are referred to in the text.
- 13 "*adverted*": "referred to in speech or writing" (O.E.D.).
- 14 See Appendix V, in which the history of the transference of the right to nominate the schoolmaster (along with the advowson of Warrington Church) is summarised.
- 15 A copy of this copy of the Foundation Deed is ms. DDLi 252/15.
- 16 G. Bover and A. Nicholson, partners in a Warrington firm of solicitors bearing their names in Sankey Street, were the legal representatives and advisers of the Committee of Warrington Citizens.
(From "Commercial Directory Manchester", 1816.)
- 17 LRO DDLi 252/31. Letter from J. Gorst at George Inn, Warrington, to R.A. Rawstone, 13 Oct 1811.
- 18 Dr. R. Valpy: Head of Reading School where Bordman was Usher before going to Warrington. His grammar books "achieved a wide popularity in England". According to D.N.B. he "had the reputation of being one of the hardest floggers of his day".
- 19 See Appendix VI - Interrogations Nos. 11, 12, 13. The number of scholars given here refers to Free Scholars and does not include boarders.
- 20 Messrs. Forster, Cooke and Frere of Lincoln's Inn were to prepare and present Lilford's case in the High Court.
- 21 "*sequestration*": (in law) "taking temporary possession";
"*attachment*" : "legal seizure". (O.E.D.)
- 22 "*alienate*": (in law) to transfer ownership;
"*devise*": (in law) to assign by will. (O.E.D.)

- 23 [*further*]: the reading might be [*farther*].
- 24 "*decree in equity*": "the recourse to general principles of Justice to correct or supplement the provisions of the law"; hence "*equity of a statute*": "the construction of a statute according to its reason and spirit so as to make it apply to cases for which it does not expressly provide". (O.E.D.)
- 25 "*put in*": "submitted to the Court".
- 26 The answers of the defendants are reproduced in Doc. A2, Appendix VI.
- 27 Gaskell, H.J.: one of the Warrington Committee.
- 28 LRO DDLi 252/13: "Answer of the Reverend Robert Atherton Rawstone and William Bordman".
- 29 William Rawstone was the brother of R.A. Rawstone.
- 30 See letters Nos. 9, 10, 11, 12.
- 31 *te*: past patrons and the schoolmasters whom they appointed.
- 32 *te*: "it will be difficult to find ...".
- 33 *te*: Lady Lilford's right to nomination.
- 34 Copy of Valpy's testimonial is reproduced in Appendix VII.
- 35 "*engrossed*": "express in legal form". (O.E.D.)
- 36 *te*: Bishop's Act Book.
- 37 Rev. Edward Lloyd was one of Owen's executors.
- 38 Thomas Norris, Sir Robert Peel's agent in Lancashire.
- 39 From DDLi 252/9: "List of Witnesses examined Commission, 2 Nov 1813".
- 40 DDLi 252/10: "Exhibits sent up to Messrs. Forster & Co., 11 Nov 1813".
(The original is in Gorst's handwriting.)
- 41 The name of Peter Newton appears in a Bill from Boardman "for schooling", *te* failure to pay his bill (see Appendix VI - "List of Exhibits").
- 42 CRO SL 382/1/1 - Documents from Fitchett and Wagstaff, solicitors of Warrington, who acted on behalf of the Trustees.
- 43 DDLi 252/33, 11 Mar 1814: Letter from Messrs. Forster & Co to J. Gorst.
- 44 DDLi 252/34: Letter from Forster & Co to J. Gorst, 16 Apr 1814.
- 45 Based on "Guide to the Contents of the Public Record Office", Vol.1, p.6 ff.

- 46 Gosden, P.H.J.B.: "The Development of Educational Administration in England and Wales", p.57.

CHAPTER VII - 1814-1828

- 1 W.R.L., p.12491: P.R.O. 27/2302/5943.
- 2 CRO SL 382/5/1: Trustees' Accounts 1814-1841.
John Fitchett, the Warrington attorney, was the "person ...
appointed".
- 3 CRO SL 382/1/1: Trustees' Minute Book 1820-1840.
- 4 CRO SL 382/18/6: "Appointment of Wm. Bordman Master",
26 Oct 1815.

This ms. bears pencilled adaptations for the appointment of the
Rev. Thomas Vere Bayne, Bordman's successor, in 1828.

There is a copy of this deed of appointment in Gorst's
handwriting in LRO DDLi 252/49.

- 5 CRO SL 382/5/1: Trustees' Accounts, 1814-1841:

"The Decree dated 5th March 1814 directs that The Revd Wm Bordman
shall be at liberty to officiate as Master till a Master be
appointed, and shall so long have his former salary, which was
paid by Rev. R.A. Rawstorne the late Master to the date of the
Decree at the rate of £157.10.0. per annum, Mr Bordman was
appointed Master by Lord Lilford on the 26th October 1815 ...".
- 6 The ms. is difficult at this point: the reading may be
"arrange[ing]; the meaning, however, is clear.
- 7 "*interlocutory*": (in law) "pronounced during the course of
proceedings".
- 8 "*privity*": (in law): "Any relation between two parties
recognised by law, *eg* that of blood, covenant, tenure,
lease, service, etc. Mutual interest in any transaction
or thing". (O.E.D.)
- 9 LRO DDLi 252/41, 252/42:
Owen's projected calculation for 1805 was remarkably accurate.
- 10 Trustees' Accounts, *op.cit.*
- 11 *ibid.*
- 12 Digest of Parochial Returns: Report of the Select Committee on
the Education of the Poor, 1818;
Parliamentary Papers, 1819, IX, Vol.i, p.439.
- 13 CRO SL 382/3.
- 14 "Rules and Regulations ... etc." Warrington 1820;
W.R.L., p.12491. P.R.O. Ed. 27/2302/5943.
A shortened version appears in the Report of the Charity
Commission, *op.cit.*, pp.470-472.
- 15 This was the one requirement for the curriculum in the Foundation
Deed; at Warrington, Latin only was mentioned as a requisite.

- 16 The Foundation Deed had not specified the number of scholars to be provided for. At the time of the Chancery case, there was only one free scholar in attendance.
- 17 The "Free Scholars" were those who, under the terms of the Foundation Deed, were to be educated without charge, apart from the payment of the four pennies. They were distinguished from the "boarders" who were admitted and boarded by the Headmaster, who was able to supplement his salary by this perquisite. There was at various times strong local feeling that the borders enjoyed a privileged position at the expense of the Free Scholars.
- 18 Details from Carlisle, N.: *op.cit. passim*.
- 19 *cf.* Foundation Deed; *re* duties of the person with the right of nomination of the schoolmaster, *ie* the Patron.
- 20 *cf.* times in Foundation Deed: Michaelmas to Easter at Parish Church at between 6 a.m. and 7 a.m.; between Easter and Michaelmas at Parish Church between 5 a.m. and 6 a.m.
- 21 These directions in their brevity and simplicity contrast sharply with the detailed directions for religious observances in the Foundation Deed. The Orders make no statement concerning the original requirement that the Master should be a clerk in holy orders.
- 22 These books, covering the period from Jan 1822 until the School's loss of private status in 1932, are in CRO SL 382/4. The first, 1822-1860, is considered in detail later.
- 23 *cf.* with the demands for fire-money, referred to in the Chancery Case.
- 24 *See* CRO HDT 5320, *re* Shaw's claim to land.
- 25 *cf.* Rawstorne's residence in the Rectory, never in the Schoolhouse.
- 26 *cf.* Owen's views on this subject. This requirement resulted in the appointment of the Receiver.
- 27 The Trustees' Minute Books: CRO SL 382 covering the period 1820-1919.
- 28 An example of a record of abstracts is in CRO SL 382/3, compiled by Messrs. Fitchett and Wagstaff, solicitors of Warrington.
- 29 The records of the Trustees/ Accounts: CRO SL 382/5. Those used in this work cover the period 1814-1847.
- 30 CRO SL 382/5/1: Mar 1814-Aug 1847.
- 31 CRO SL 382/1/1 and /2: Trustees' Minute Books, 1820-1840, 1840-1889.
- 32 CRO SL 382/4/1: Lists of Scholars 1822-1860. Further details of this ms. are provided in Appendix VIII.

- 33 This was required by Rule No.16.
- 34 *ibid*: five Trustees were necessary to be "competent to act".
- 35 The existing Trustees were:
George Harry Grey, Earl of Stamford and Warrington, Sir Richard Brooke, John Blackburne, Rev. George Heron, Meyrick Bankes, Isaac Blackburne.
- The new nominations were:
Wilbraham Egerton, George John Legh, John Ireland Blackburne, Thomas Legh, Thomas Lyon, George Eaton, Thomas Wilson, Peter Heron, Peter Longford Brooke, Rev. James John Hornby.
- 36 See Edward Owen's Will in Appendix IV.
- 37 CRO SL 382/3: Indenture of Feoffment, 15 Mar 1810, between Rev. Edward Lloyd and Rev. Thomas Blundell (Executors of Owen), 1st Part, and Rev. Robert Atherton Rawstorne, John Gorst *et al*, 2nd Part, for the sale of a parcel of land "for the price and sum of £570 ... paid in hand" by R.A. Rawstorne, land adjoining the Grammar School, "commonly called or known by the name of School field ...".
- 38 *ibid*: see also Map IV.
- 39 See Trustees' Minutes (19 Oct 1821) *op.cit.*, and CRO SL/382/3: Indentures of Lease and Release for 16 Trustees, 18 & 19 Oct 1821.
- 40 The Committee consisted of Rev. G. Heron, Rev. J.J. Hornby, Isaac Blackburne and John Ireland Blackburne.
- 41 This was a case brought by John Booth against Bordman for undue punishment of his son. The case was heard at Lancaster.
- 42 The four days were at ten o'clock on the Mondays following the meeting of the school after the Midsummer and Christmas vacations, and at the same time on the Mondays next following 22 Oct and 22 April, yearly. The full arrangement provided the Trustees with an opportunity to supervise what had been locally a source of trouble and irritation.
- 43 The term "Head Master" now begins to supplant the terms "Schoolmaster" and "Master". The direction suggests that complaints had been made concerning lack of supervision with its inevitable concomitants in a group of boys.
- 44 The exceptions were in case of "an infectious or epidemical disease or other urgent necessity".
- 45 The reference of the Trustees to corporal punishment in their report as "this wholesome chastisement" exemplifies the contemporary attitude towards such punishment.
- 46 Broadsheet, *re*: Public Meeting at Warrington, 12 Nov 1821 (W.R.L.)

- 47 Of the eleven Scholars admitted on 22 Jul 1822,
2 left in 1822,
4 left in 1823,
3 left in 1824,
1 left in 1825,
1 (*aet*) in 1830.
- 48 Of the six Scholars admitted 28 Oct 1822:
2 did not attend after the first day,
2 left in 1823,
2 were unrecorded.
- 49 Of the nine Scholars admitted 20 Jan 1823:
3 remained for 1 month,
2 left in 1823,
4 left in 1825.
- 50 The Minutes do not name the usher and writing-master concerned,
but by extrapolation from the Accounts, they would seem to be
Rev. Joseph Brindle (Usher) and James Brindle (Writing Master).
There is no record of Bordman's charges against them.
- 51 Of the five Scholars admitted 28 Jul 1823:
2 left in 1823,
1 left in 1825,
1 left in 1826,
1 left in 1827.
- 52 See Trustees' Meetings, 16 Oct 1820 and 19 Oct 1821.
- 53 This transaction was not in fact completed until 28/29 May 1833.
The Trustees paid annually the interest on Rawstorne's payment on
the purchase of the land and building.
(See Trustees Accounts: "£32.16.6. per half-year".)
- 54 Of the two Scholars admitted 27 Oct 1823:
1 left in Aug 1825,
1 left in June 1826.
- 55 Of the seven Scholars admitted 26 Jan 1824:
1 left in June 1824,
3 left in 1825,
1 left in 1826,
1 left in 1829,
1 is unrecorded.
- 56 Of the four Scholars admitted on 26 Apr 1824:
1 left in 1824,
1 left in 1825,
1 left in 1826,
1 (*aet* 16) left in 1831.
- 57 Of the three Scholars admitted on 26 Jul 1824:
2 left in 1824,
1 left in 1825.
- 58 A public speech-day was established at Manchester in 1811:
Carlisle, N. *op.cit.*, i, p.702.

- 59 Of the four Scholars admitted on 24 Jan 1825:
2 left in 1827,
1 left in 1829,
1 left in 1830.
- 60 Of the two Scholars admitted on 25 July 1825,
1 left in 1829,
1 is unrecorded.
- 61 According to the Trustees' Accounts, the sum of £29.2.10 was paid to Bordman on 5 May 1827.
- 62 There is no evidence of the existence of any such book, but since Bordman left the school in 1828, it is probable that he omitted to follow this requirement. The admission lists are not in Bordman's handwriting.
- 63 On 24 Apr 1826, four Scholars were admitted, of whom:
1 left in 1826
2 left in 1827
1 left in 1828.
- On 24 Jul 1826, five Scholars were admitted, of whom:
1 left in 1826
2 left in 1827
1 left in 1829
1 is unrecorded.
- 64 The one boy who was admitted on 20 Oct 1826 left 23 Oct 1826:

Of the five Scholars admitted 29 Jan 1827,
1 left 1828
1 left 1829
1 left for Repton School, son of local solicitor
2 were unrecorded.
- 65 According to the Trustees' Accounts, this was paid on 2 Apr 1828.
- 66 Information from Beamont, W.: "Masters", *passim*.
- 67 "undertaker": "a subordinate ... who was the superintendant of the mines and workings". (O.E.D.)

CHAPTER VIII - 1828-1842.

- 1 Rev. Thomas Vere Bayne, of an Oxford family, of Jesus College, Oxford; b.1803; B.A. 1824; M.A. 1826; B.C.L. 1828; from 1842 until his death 22 Dec 1848, incumbent of St. Johns, Higher Broughton, Manchester (*From Foster, J., op.cit.*).

From Bishop's Act Book (C.R.O. B.D.A. 1/11).

9 Aug 1828: "Commission of James John Hornby, Clerk ... qualify the Reverend Thomas Vere Bayne, Clerk, to the Mastership of the Free Grammar School of Warrington in the County of Lancaster and Diocese of Chester".

18 Aug 1828: "Licence of the Reverend Thomas Vere Bayne, Clerk, to the Mastership of the Free Grammar School of Warrington in the County of Lancaster vacant by the resignation of the Reverend William Bordman, Clerk, the late Master on the nomination of the Right Honorable Thomas Lord Lilford the then Patron".

See also: CRO SL 382/18/6: Nomination of William Bordman with amendments to suit Bayne.

- 2 The amount actually recorded in Trustees' Accounts for "Fixtures & Co" was £7-2-0 on 31 Jan 1829.
- 3 On 28 Apr 1828, twelve Free Scholars were admitted, of whom:
 - 5 left in 1829
 - 2 left in 1830
 - 5 are unrecorded.

From this point in the "List of Scholars", the method of recording changed, and it is frequently not possible to ascertain when any one scholar left.

- 4 Of the 34 Free Scholars admitted 28 Jul 1828:

3	were	aged	7
5	"	"	8
8	"	"	9
8	"	"	10
2	"	"	11
5	"	"	12
1	was	"	13
1	"	"	14
1	"	"	15.

- 5 The Rev. Henry Hodgkinson Brobart of Christ Church, Oxford; B.A. 1826; M.A. 1829. (*Foster, J., op.cit.*, 1, p.127.)
- 6 Trustees' Accounts: "By cash remitted by J. Fitchett to Mr. Santer in London to pay into Court the balance of £126-15-4."
- 7 Of the six Scholars admitted 27 Oct 1828:
 - 2 left in 1828 (Christmas)
 - 1 " " 1829
 - 2 " " 1830
 - 1 is unrecorded.
- 8 From Marsh, J.F. *op.cit.*, p.63. The block was formerly in the possession of the Sunrise Press of Warrington.

- 9 *ibid.*, p.73.
- 10 Beamont, W.: "Masters", p.11. The rebuilding referred to in this extract took place in 1862. (Rees, L.E.: *op.cit.*, p.34.)
- 11 This amount is recorded regularly in the Trustees' Accounts. It is recorded that Bayne assisted Rawstorne and his successor as Rector, the Hon. and Rev. Horace Powys, by officiating in the Parish Church. Bayne also assisted Powys in raising money for building and maintaining the National Schools in Warrington. (Beamont, W.: "Masters", p.13.)
- 12 Of the six Free Scholars admitted on 24 Jan 1831:
 1 was aged 8
 2 were aged 9
 1 was aged 10
 2 were aged 12.
- 13 "Underlook": "to look at, inspect from beneath", hence
 "Underlooker": "a subordinate ... who has the Superintendence of the mines and workings". (O.E.D.)
- 14 "dial": "to survey or lay out with the aid of a dial or miner's or surveyor's compass". (O.E.D.)
- 15 On this subject, in the account of Bayne with the Trustees, the following pencilled note appears in the Trustees' Accounts:
 "This is to stand over for Conson [Consideration] of the Trustees. - The field is now attached to the School. - arrears waived".
- 16 The Trustees' Accounts show payments to the Rev. Robert Law, Usher, from Jan 1830 to Jul 1836.
- 17 CRO SL 382/3.
re "Boozing Pasture (variant of "Boose": "a stall for a cow etc"). "A place into which anything is let out, spec. a pasture into which cattle are let out. A field or yard or other enclosure attached to a house". (O.E.D.)
- A further definition, more specific to this context, is given in the following:
- "Boozing field":
 "the pasture which is contiguous to the booses where the cows are tied up, and which is retained by an outgoing tenant as the outlet for his cattle"
 Holland, R.: "A Glossary of Words Used in the County of Chester" (E.D.S.) 1886.
- See also:
 Wilbraham, R. "An Attempt at a Glossary of some Words Used in Cheshire (1817). CRO Acc.No.1899.
- 18 The five new Trustees were:
 John Wilson Patten of Bank, James Stanton of Greenfield, Ches., Thomas Parr of Grappenhall Heyes, James Heath Leigh of Grappenhall Lodge, Thomas Greenall of Wilderspool.
 (CRO SL 382/3).

- 19 The members of this committee were:
Rev. J.J. Hornby, J.L. Blackburne, Thomas Lyon, James Stanton,
Thomas Greenall.
- 20 The full final payment to Rawstorne of £681-2-0 was recorded for
29 May 1833 - Trustees Accounts.
- 21 "*Red Letter Day*":
"An important feast or saint's day printed in the calendars in
red ink".
(Cross, F.L. (Ed.): "The Oxford Dictionary of the Christian
Church", p.1143.)
- 22 CRO SL 382/3. The Trustees had paid interest regularly to
Rawstorne on his outlay. See Trustees' Accounts.
- 23 Trustees' Accounts.
- 24 The entrant in Sept 1833 was aged 9.
The three admitted in Jan 1834 were aged as follows:
1 aet 8
1 aet 9
1 aet 14.
- 25 The ages of the five Free Scholars admitted July 1834 spanned at
yearly intervals ages 7 to 10 and 1 aet 12.
- 26 Of the five Free Scholars admitted 26 Jan 1835:
1 was aged 7,
4 were aged 8.
- 27 The Trustees' Accounts show payments to the Rev. Robert Law from
13 Jan 1830 to 31 July 1835 and to Mr. Bartram (for whom no
initials or further information are available) from 24 Dec 1836
to 25 Nov 1839. Payment was by two half-yearly instalments.
- 28 Of the five Free Scholars admitted 1 Aug 1836:
2 were aged 8,
1 was aged 9,
1 " " 5,
1 not recorded.
- 29 The leases at Wigan were for:
The Guinea Field, The Far Russell Hey, The Near Russell Hey,
The Near Meadow, The Far Meadow.
- 30 John Haddock was one of the town's representatives at the meeting
on 30 Apr 1833. He had three sons at the School.
- 31 Of the eight Free Scholars admitted Midsummer, 1838:
1 was aged 7,
3 were aged 8,
1 was aged 9,
1 " " 11,
2 were aged 12.

- 32 Of the five Free Scholars admitted 21 Jan 1839:
 2 were aged 8
 1 was aged 9
 1 was aged 13
 1 was aged 14.
- 33 Broadsheet, 19 Jan 1839. W.R.L. 370.9.
- 34 V.C.H. Ches.iii, p.239.
- 35 Carlisle, N.: *op.cit.*, i, p.639.
- 36 Parliamentary Papers, 23 Jul 1840, 3 & 4 Vict. Cap 23.
- 37 The list of the Trustees consisted of the following names:
 George Harry Earl of Stamford and Warrington, Sir Richard
 Brooke, Wilbraham Egerton, John Ireland Blackburne, Thomas
 Legh, (Rev.) James John Hornby, Thomas Lyon, George Eaton,
 Peter Heron, John Wilson Patten, James Stanton, Thomas Parr,
 James Heath Leigh, Thomas Greenall.
- 38 "*Deliberative*": *ie* the vote allowed to a Trustee, as used in the
 function of deliberation or debate. (O.E.D.)
- 39 "*Summary*": "brief, dispensing with needless details or
 formalities". (O.E.D.)
- 40 The committee consisted of:
 Sir Richard Brooke, Geo. Eaton, Thomas Parr and Thomas Lyon,
 the latter two being bankers.
- 41 At this time there were 35 Free Scholars in the School. Four
 boys were admitted on that date, 3 aged 8 and 1 aged 10. "Others
 would have entered, but wait to see who new Master will be".
- 42 The review of this correspondence and the extracts from it are
 based on the verbatim records in the Trustees' Minute Book.
 CRO SL 382/2.
- 43 The record of the attendance of Trustees is as follows:
 1828-1832:

<u>Trustees</u>	<u>Meetings</u>
0	1
2	3
3	1
4	2
5	3
6	1
8	2

1832-1842 (*ie* after appointment of full quota of 16)

<u>Trustees</u>	<u>Meetings</u>
3	1
5	5
6	1
7	6
8	1
9	3
10	2

- 44 See Trustees' Minutes, 4 Feb 1833.
- 45 "Trench (upon)": "to encroach upon a person's rights, privacy & Co." (O.E.D.)
- 46 For evidence of the attendance of Trustees at their meetings, see Note 43 above. Bayne, no doubt, had in mind the Special Meeting which was called for 23 Jan 1832 to discuss the augmentation of his salary but for which there were too few Trustees to form a quorum.
- 47 The teaching of writing had been of fundamental importance to the townspeople of Warrington from the time of the Bill before Chancery onwards.
- 48 In his reference to Repton, Bridgnorth and Shrewsbury, Bayne had selected three schools which began as serving their local communities, but which, under enterprising headmasters, had attracted students from further afield and had gained national acclaim. At Repton, in 1836, there were "between 40 and 50 boarders", with a doubling of numbers in the school by 1842. Bridgnorth underwent notable revival under a new headmaster "when most other grammar schools in the county were in decline", so that the school had as many as 120 boarders in the 1830s. Shrewsbury had been "the great school of Elizabeth's reign ... ", but had declined in the 17th century. Its reform was effected by a change in the constitution and the appointment of Samuel Butler as headmaster who "built up the school from nothing to be the leading classical school in England ... " whose influence spread to "almost all the public schools in the country.

Sources:

Archer, R.L.: Secondary Education in the Nineteenth Century", p.116.

Barnard, H.C.: "A Short History of English Education, 1760-1944", pp.85-8.

Roach, J.: "A History of Secondary Education in England, 1800-1870", p.230.

Charity Commissioner's Report, XXXII, pp.605-8.

V.C.H. - Derbs.ii, pp.226-247.

V.C.H. - Salop.ii, p.142-143.

- 49 Beamont, W.: "Masters", *passim*.
- 50 Marsh, J.F.: *op.cit.*, p.73.
- 51 Abstract of Educational Returns, 1833: Parliamentary Papers 1835, XLI, p.464.
- 52 Beamont, W.: "Masters", *passim*.

B i b l i o g r a p h y

1 Primary Sources

2 Secondary Sources

BIBLIOGRAPHY

1 PRIMARY SOURCES

Cheshire Record Office (CRO)

DBC/2391/2	Foundation Deed, Warrington, 1526.
SP3/14/2	Foundation Deed, Macclesfield, 1503/4.
SP3/14/5	Foundation Charter, Macclesfield, 1552 (Latin).
SP3/14/8	Foundation Charter, Macclesfield, 1552 (English).
EDA 1/6	Bishops Act Book 1752-1760.
EDA 1/7	Bishops Act Book 1760-1776.
EDA 1/9	Bishops Act Book 1791-1808.
EDA 1/11	Bishops Act Book 1825-1835.
EDA 6/3/45	An Account of Warrington School, c.1717.
EDV 2/4	Visitations.
EDV 2/9	Clergy Call Book 1677.
EDV 2/10	Clergy Call Book 1686.
EDV 2/10a	Clergy Call Book 1691.
EDV 7/1/213	Owen's reply to Bishop's Questionnaire 1778.
HDT 413	Lease: J.Blackburne to E. Owen, 2 Feb.1762.
HDT 5320	Lease: A Shaw to R. Shaw 2 Sep.1728.
SL 382/1/1	Trustees' Minutes, Oct.1820-Jan.1840.
SL 382/1/2	Trustees' Minutes, Aug.1840-Oct.1889.
SL 382/3	Abstract of Deeds etc. re Free School of Warrington. n.d. [1526-1836].
SL 382/4/1	List of Scholars, Jan.1822-Sep.1860.
SL 382/5/1	Trustees' Accounts, Mar.1814-Aug.1847.
SL 382/8	E. Owen's Account Book re repairs done to School, 1758-1790.
SL 382/18/1 & 2	Copies of Foundation Deeds, n.d. probably early 19th c.
SL 382/18/3	Copy Proceedings in Court of Duchy of Lancaster, n.d. [1607-1610].
SL 382/18/3a	Duchy Court of Lancaster, 6 Decree 1607.
SL 382/18/4 & 5	E. Owen's Notebooks, 1790.
SL 382/18/6	Appointment of William Bordman, Master (with emendations for T.V. Bayne), Oct.1815.

Lancashire Record Office (LRO).

From the Kenyon papers (DDKe).

Bundle of 26 School Receipts, 1589-1619 - in uncatalogued box -
"Walton-le-Dale, Warrington, Worsley".

DDKe 64/1 - Foundation Deed, Warrington, 1526.

From the Lilford papers (DDLi).

Box 14 Nos.1 & 29. Agreements with Kinsey family, c.1600.

Box 15 No.48. Lease of land at Arrowe, 1653.

Box 112 No.63. Agreement *re* land from Butler to Boothe, 25 Jun 1579

No.64. Release of land to Butler, 25 June 1579.

Box 137 No.1. Interrogations *re* inheritance of Butler's
lands, c.1570.

No.2. Will of Sir Thomas Boteler, 1520.

Box 137 No.64. Lease of land at Woolston Moss, 1624.

Box 251/70 Edward Boteler's Will, 17 May 1584.

Box 252 No.1 Abstracts of documents *re* Free School at
Warrington, 1810.

No.1/ii Minutes of Duchy Court of Lancaster, 1607-1610.

No.1/iv Duchy Court of Lancaster Decree, 1607.

No.2 Interrogations from Bill (in Chancery), c.1810.

No.7 Draft Heads of Evidence.

No.9 List of Witnesses under Commission, 2 Nov.1813.

No.10 List of Exhibits, 11 Nov.1813.

No.13 Answers of Rawstorne and Bordman taken at Wigan,
20 Jan 1812.

No.15 Copy of Foundation Deed.

No.29 Answers to Interrogations.

No.30 Draft Letter Gorst to Lilford *re* right to nominate
schoolmaster, 21 Mar 1810.

No.31 Draft Letter, Gorst to Rawstorne *re* Warrington
School, 13 Oct 1811.

No.33 Letter Forster & Co. to Gorst, 11 Mar.1814.

No.34 Letter Forster & Co. to Gorst, 16 Apr.1814.

Nos.41,42 Gorst's notes on the Charity's rents.

No.43 Presentation to the Bishop of Chester of Robert
Atherton Rawstorne, 1807.

No.44 Draft presentation by Lilford of Rawstorne for
Warrington rectory to Bishop of Chester, 1807.

No.46 Appointment of Rawstorne by Lilford's Trustees,
21 Apr.1807.

No.48 Copy - Dr. Valpy's testimonial for Bordman.

No.50 Notes concerning 16th century deeds relating to
Warrington Grammar School.

Box 252 (Cont.)

- No.51 Draft extract of pedigree of the Irelands.
No.53 Geneological notes *re* Botelers and Irelands,
including Dame Margaret Ireland's will.

Box 254 Bundle of 81 letters *re* right of nomination of
schoolmaster at Warrington. (Calendar in text),
1810-1818.

LRO C640 Edward Owen's Will, 8 Feb.1806.

Chetham's Library, Manchester.

Raines, F.R. The Raines Bequest, ms.

Public Record Office.

C/93/6/23 Conveyance of land from Sir Peter Warburton, *et.al.*
to Sir Randle Brereton *et.al.* (trustees of the Free
School of Warrington), 4 May 1608 (in Latin).

C/93/6/23 Deed of Feoffment to Trustees of Free School of
Warrington, 1608.

Ed 27/2302/5943 Rules and Regulations Approved by Chancery, 1820.

Warrington Reference Library. (W.R.L.)

Map of Warrington in 1772; J. Wallworth and D. Donbavand (1772).

Map of Warrington in 1826; S. Hall (1826).

W.709 Broadsheet *re* public meeting - 15 Nov.1821.

W.3709 Broadsheet *re* use of Boteler's Charity - 19 Jan 1839.

Ms.913 A deed for the recovery of Boteler's debt to the king.

p.12491 "Ancient customs, statutes, ordinances", 1592.

"Rules and Regulations Approved by Chancery". Local edition
of copy in P.R.O., 1820.

Boteler Family Tree - compiled and published privately by
W.Beamont (n.d.).

Commercial Directory of Manchester, 1816, 1817.

Universal British Directory, 1792.

Charlsworth, R.: "History of Education in Warrington" 1933, ms.W.R.L.

Parliamentary Papers.

Digest of Parochial Returns. Report of the Select Committee on the
Education of the Poor, 1818, PP.1819 IX Vol 1.

Abstract of Educational Returns: 1833, PP.1835 XLI.

An Act to enable the Trustees of Boteler's Free Grammar School at
Warrington, to effect a Sale, etc. Royal Assent, 23 July 1840.

School Inquiry Commission, Vol.XVII, PP.1867-8.

2 SECONDARY SOURCES

- Archer, R.L.:
"Secondary Education in the Nineteenth Century",
Cambridge, 1921.
- Axon, E.:
"The King's Preachers in Lancashire, 1599-1845",
T.L.& C.Antiq.Soc., lvi 1941-42.
- Baron, G. and Hewell, D.A.:
"The Government and Management of Schools"
London 1974.
- Baines, E.:
"History of the County Paletine and Duchy of
Lancaster"
London 1836.

"History, Directory and Gazeteer of the County
of Lancaster"

2 vols., Liverpool, 1825.
- Barnard, H.C.:
"A Short History of English Education,
1760-1944"
London, 1947.
- Beamont, W.:
"Annals of the Lords of Warrington
(from the Norman Conquest to 1587)"
Chetham Society, 2 Vols., Manchester, 1872.

"Annals of the Lords of Warrington and Bewsey"
(1587-1833)
Manchester and Warrington, 1873.

"Scholars of the Warrington Grammar School"
Warrington Guardian, 1881.

"Masters of the Warrington Grammar School"
Warrington Guardian, 1883.

"Homage Roll of the Manor of Warrington"
Miscellanies of Lancashire and Cheshire I.
Record Society No.12, 1885.
- Berry, E.K.:
See Ridgway, M.H. and Berry, E.K.
- Brown, J.H.:
"Elizabethan Schooldays".
Oxford, 1933.

Caley, J. (Ed.): "Valor Ecclesiasticus", Vol.5
Commissioners of Public Records, 1825.

Carlisle, N.: "A Concise Description of the Endowed
Grammar Schools of England and Wales
2 Vols.
London, 1818.

Carter, G.: "Warrington Official Guide" Warrington n.d.

Carter, G.:
et al "Warrington 100 (Years a Borough)"
County Borough of Warrington 1947.

Cartwright, T.: "The Diary of Dr. Thomas Cartwright,
Bishop of Chester"
Camden Society, London, 1843.

Charity Commission:
"Return of Endowed Charities"
(Administrative County of Lancaster and
the County Borough of St. Helens) 1908.

Chaytor, H.J.: "The Boteler Grammar School, Warrington"
V.C.H. Lancs.ii, pp.601-603.

Cottle, B.: "The Penguin Dictionary of Surnames"
London, 1978.

Cox, M.: "A History of Sir John Deane's Grammar
School, Northwich"
Manchester 1975.

Croft, P.: "The Evolution of Warrington's Landscape"
Dissertation - University of Hull. ms.1969.

Cross, F.L.:
(Ed.) "The Oxford Dictionary of the Christian
Church" London, 1950.

Curtis, S.J.: "History of Education in Great Britain"
London, 1963 (5th Edn.)

Dictionary of National Biography 1890.

Dickinson, J.R.: "The Botelers and the Irelands"
North West Archaeological Trust, ms., n.d.

- Dore, R.N.:
 "The Civil Wars in Cheshire"
 Cheshire Community Council, Chester 1966.
- Ducatus Lancastriae, Pars Quarta.
 The Commissioners of Public Records
 of the Kingdom, 1834.
- Earwaker, J.P. (Ed):
 "Local Gleanings Relating to Lancashire
 and Cheshire" Vol.1, 1875-76.
- Ekwall, E.:
 "The Concise Oxford Dictionary of English
 Place Names"
 London, 1974.
- Flower, W.: *See* Raines, F.R. (Ed.)
- Foster, J.:
 "Alumni Oxoniensis"
 Oxford & London, 1891 (Reprint 1968).
- Gosden, P.H.J.H.
 "The Development of Educational
 Administration in England and Wales"
 Oxford, 1966.
- Grealey, S.
 et.al. "The Archaeology of Warrington's Past"
 Warrington New Town, 1976.
- Holland, R.: "A Glossary of Words Used in the County
 of Chester"
 English Dialect Society, 1886.
- Haigh, C.
 "The Last Days of the Lancashire
 Monasteries and the Pilgrimage of Grace."
 Chetham Society, Vol.XVII - Third Series
 Manchester, 1969.
- "Reformation and Resistance in Tudor
 Lancashire"
 Cambridge, 1975.
- Hinchcliffe, J.: *See* Williams, J. and Hinchcliffe, J.
- Jordan, W.K. "The Social Institutions of Lancashire,
 1480-1660"
 Chetham Society, Vol.XI
 (Third Series), Manchester 1962.
- Leach, A.F.:
 "English Schools at the Reformation,
 1546-8"
 London, 1896.
- "A History of Winchester College"
 London, 1899.

Leach, A.F. (Continued)

"Educational Charters and Documents,
598-1909"
Cambridge, 1911.

"The Schools of Medieval England"
London, 1915.

Lewis, C.R.: "The History of Farnworth Grammar
School" 1905.

Marsh, J.F.: "On the Foundation and History of
Boteler's Free Grammar School at
Warrington"
Transactions of the Historic Society
of Lancashire and Cheshire
Vol.VIII, pp.51-74, 1856.

Morgan, P.
(Ed): "Domesday Book" - Ches. Vol.26
Chichester, 1978.

Mumford, M.D.: "The Manchester Grammar School,
1515-1915"
London, 1919.

O'Day, R.: "Education and Society, 1500-1800"
London, 1982.

Oakshott, A.M. D'I.
"The Education Inquiry Papers of
Christopher Wase"
British Journal of Educational Studies
Vol.19, 1971.

Orme, N.: "English Schools in the Middle Ages"
London, 1973.

Ormerod, G.: "The History of the County Palatine and
City of Chester"
3 Vols., London, 1882.

Owen, E.: "The Common Accidence Methodised
and Enlarged"
London, 1804.

Oxford English Dictionary
Oxford, 1970 Edition.

Rogers, C.D. (Continued)

"The Development of a Teaching Profession
in England, 1547-1700"

Ph.D., Manchester,
unpublished ms., 1975.

Simon, B.:

"Studies in the History of Education
1780-1870"

London, 1960.

Simon, J.:

"Education and Society in Tudor England"

Cambridge, 1967.

Sparke, A. (Ed.):

"The Parish Registers of Warrington,
1591-1653"

Lancashire Parish Register Society
Preston, 1933.
(Originals in Parish Church of Warrington)

Stowe, A.M.:

"English Grammar Schools in the
Reign of Queen Elizabeth"

New York, 1908.

Thacker, A.T.:

"The Chester Diocesan Records and the
Local Historian"
Transactions of the Historic
Society of Lancashire and Cheshire

Vol.130, 1981.

Tompson, R.S.:

"The Leeds Grammar School Case of 1805"
Journal of Educational Administration
and History, 3(1), Dec. 1970.

"Classics or charity?"

Manchester, 1971.

"The English Grammar School Curriculum
in the 18th Century: A Reappraisal"
British Journal of Educational Studies.

Vol.19, 1971.

Victoria County History - various counties.

Venn, J.

"Alumni Cantabrigiensis"

Cambridge, 1910
(1944 reprint).

Vincent, W.A.L.

"The State and School Education
1640-1660"

London, 1950.

Vincent, W.A.L. (Continued)

"The Grammar Schools: Their
Continuing Tradition, 1640-1714"

London, 1969.

Wakefield, G.:

"Memoirs of the Life of Gilbert
Wakefield"

London, 1792.

Wallis, P.J.:

"Histories of Old Schools: A Preliminary
List for England and Wales"

British Journal of Educational
Studies, 1965-66.

"A Preliminary Register of Old Schools
in Lancashire and Cheshire"

Transactions of the Historic
Society of Lancashire and Cheshire,
Vol.120, 1968.

Walker, F.:

"Historical Geography of South West
Lancashire before the Industrial
Revolution"

Chetham Society, Manchester, 1939.

Wardle, D.

"Schools"

V.C.H. Ches. iii.

Wilbraham, R.:

"An Attempt at a Glossary of some
Words Used in Cheshire"

Pamphlet 1817 (CRO Ac.N.1899).

Williams, J. and Hinchcliffe, J.

"Roman Excavations at Wilderspool"

Unpublished ms. in Warrington Museum.